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Vol I

















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*Anal.*

ADDRESSES

AND

S P E E C H E S

ON

VARIOUS OCCASIONS,

BY

ROBERT C. WINTHROP.

*from 1835 to 1851.*

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BOSTON:  
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TO  
THE HONORABLE  
**JOHN H. CLIFFORD, LL. D.**

ATTORNEY-GENERAL OF MASSACHUSETTS,

MY DEAR SIR,

I AM sensible how little there is in this volume, to entitle it to be made the subject of any formal dedication. But I am unwilling to forego the opportunity which it affords me, of testifying how highly I value the cordial relations of friendship and confidence, which have existed between us without intermission, since we first entered public life together in 1834.

Believe me, My Dear Sir,

With sincere regard and respect,

Always faithfully, Yours,

**ROBERT C. WINTHROP.**

BOSTON, May 12, 1852.



## P R E F A C E.

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SOME circumstances, connected with the progress and close of my late Congressional career, have induced me to comply, not altogether unwillingly, with the suggestion of friends,—that whatever I have said on public questions, should be placed within the convenient reach and reference of such as may care to know any thing about my course.

I have ventured to think, too, that this volume would not be entirely unacceptable to the people of Massachusetts, and particularly to the people of Boston, to whom I have been indebted for whatever opportunities I have enjoyed, and in whose service most of these Addresses and Speeches were made.

They are given here just as they were delivered, and many of them printed, at the time,—with no other change than the correction of a few inaccuracies in matter of form, or, it may be, in matter of fact. They thus contain,—not what I might have said, or might now say,—but what I actually did say, on the subjects to which they relate, during sixteen or seventeen years of public employment.

I will not deny, that, in revising the proof-sheets, I have

found, here and there, an opinion of men or of things, which has been in some degree modified by subsequent events. And there may be a few strong partisan expressions, especially in some of the earlier political speeches, which might not altogether approve themselves to my maturer judgment. But there is nothing of substantial principle which I desire to revoke, and, upon the whole, I have preferred to let the record stand, as it has been made up from time to time, rather than allow room for the imputation that I had suppressed or altered any thing, to suit any mere change of political circumstances or of public sentiment.

The size of the volume has compelled me to omit many things which I desired and intended to insert, but I have no fear that there will be any complaint on this score from any quarter.

ROBERT C. WINTHROP.

Boston, May, 1852.

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AN ADDRESS, DELIVERED BEFORE THE NEW ENGLAND SOCIETY, IN THE  
CITY OF NEW YORK, DECEMBER 23, 1839.

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TOWARDS the close of the year 1558, about two hundred and eighty-one years ago, a little more than nine times the period which has been commonly assigned as the term of a generation, and only four times the threescore years and ten which have been divinely allotted to the life of man, a virgin Princess ascended the throne of England. Inheriting, together with the throne itself, a full measure of that haughty and overbearing spirit which characterized the royal race from which she sprung, she could not brook the idea of any partition of her power, or of any control over her person. She seemed resolved that that race should end with her, and that the crown which it had so nobly won on Bosworth Field should seek a new channel of succession, rather than it should be deprived, in her person, and through any accident of her sex, of one jot or tittle of that high prerogative which it had now enjoyed for nearly a century. She seemed to prefer, not only to hold, herself, a barren sceptre — no heir of her's succeeding — but even to let that sceptre fall into the hands of the issue of a hated, persecuted, and finally murdered rival, rather than risk the certainty of wielding it herself, with that free and unembarrassed arm which befitted a daughter of the Tudors.

Accordingly, no sooner had she grasped it, and seated herself securely upon the throne of her fathers, than she declared to her suppliant Commons — who doubtless presumed that they could approach a Queen of almost six-and-twenty, with no more

agreeable petition, than that she would graciously condescend to select for herself an help-meet in the management of the mighty interests which had just been intrusted to her — that England was her husband; that she had wedded it with the marriage ring upon her finger, placed there by herself with that design on the very morning of her coronation; that while a private person she had always declined a matrimonial engagement, regarding it even then as an incumbrance, but that much more did she persist in this opinion now that a great kingdom had been committed to her charge; and that, for one, she wished no higher character or fairer remembrance of her should be transmitted to posterity, when she should pay the last debt to nature, than to have this inscription engraved on her tombstone: — “Here lies Elizabeth, who lived and died a Maiden Queen.”

In the purpose thus emphatically declared at her accession, the Queen of whom I speak persevered to her decease. Scorning the proverbial privilege of her sex, to change their minds at will upon such a subject, and resisting the importunities of a thousand suitors, she realized that vision of a Midsummer Night's Dream, which was so exquisitely unfolded to her by the immortal Dramatist of her day:

“I saw,  
Flying between the cold moon and the earth,  
Cupid all arm'd: a certain aim he took  
At a fair Vestal, throned by the West;  
And loosed his love-shaft smartly from his bow,  
As it should pierce a hundred thousand hearts:—  
But I might see young Cupid's fiery shaft  
Quench'd in the chaste beams of the watery moon;  
And the imperial vot'ress passed on,  
In maiden meditation, fancy-free.”

But Elizabeth was not quite content to wait for a tombstone, on which to inscribe this purpose and its fulfilment. Proclaimed, as it annually was, through the whole length and breadth of the Old World, from almost every corner of which proposals of a character to shake and change it were continually poured in upon her,—she resolved to engrave it once and forever upon the New World also, where as yet there was no civilized suitor to tease her with his pretensions, whose very existence had been

discovered less than a century before by Christopher Columbus, and the Northern Continent of which had been brought within the reach of her own prerogative by the subsequent discovery of Sebastian Cabot. To that whole continent she gave the name of VIRGINIA; and at her death, after a reign of five-and-forty years, that whole continent, through all its yet unmeasured latitudes and longitudes, from the confines of Labrador to the Mexican Gulf, was known by no other title, than that which thus marked it as the dominion of a Maiden Queen.

But it was that Queen's dominion only in name. Four times, indeed, she had essayed to people it and plant her banners there. But in vain. Sir Humphrey Gilbert, to whom the first patent for this purpose was granted, being compelled to return prematurely to England by the disasters he had experienced on the coast of Newfoundland, was lost in a storm on the homeward passage, and all that survived of his gallant enterprise, was that sublime exclamation, as he sat in the stern of his sinking bark — "It is as near to Heaven by sea as by land." By the resolute and undaunted efforts of his illustrious brother-in-law, Sir Walter Raleigh, however, three separate companies of colonists were afterwards conducted to the more southern parts of the continent, and each in succession commenced a settlement at Roanoke Bay. But two of them perished on the spot, without leaving behind them even so much as the means of ascertaining whether they had owed their destruction to force or to famine; — while the third, which, indeed, was the first in order, within a year from its departure, returned in disgust to its native land. And the whole result of Virginia colonization and Virginia commerce, upon which such unbounded hopes of glory and of gain had been hung by Raleigh, and cherished by the Queen, had hitherto consisted in the introduction into England, by this last named band of emigrants returning home in despair, of a few hundreds of *tobacco*, and in Queen Elizabeth herself becoming one of Raleigh's pupils in that most maidenly and most queenly accomplishment, — *smoking a pipe*. Not one subject did Elizabeth leave at her death in that wide spread continent, which she had thus destined to the honor of perpetuating the memory of her haughty and ambitious virginity.

Within a year or two past, a second Maiden Queen has ascended the throne which the first exchanged for a grave in 1603. And when she casts her eye back, as she can scarcely fail frequently to do, to the days of her illustrious prototype, and compares the sceptre which Elizabeth so boldly swayed for nearly half a century with that which trembles in her girlish hand, she may console herself with the reflection, that if the strength and potency of her own are greatly inferior, its reach and sweep are, practically at least, vastly more extended. She sees the immediate successor to Elizabeth, uniting the crowns of England and Scotland, and preparing the way for that perfect consolidation of the two countries which another century was destined to complete. Ireland, too, she finds no longer held by the tenure of an almost annual conquest, but included in the bonds of the same great union. While beyond the boundaries of the Imperial Homestead, she beholds her power bestriding the world like a Colossus, a foot on either hemisphere; in one, military posts and colonial possessions hailing her accession and acknowledging her sway, which were without even a name or local habitation in the history of the world, as Raleigh wrote it; and in the other, a company of adventurers which Elizabeth chartered a few years before her death, to try the experiment of a trade with the East Indies by the newly discovered passage round the Cape of Good Hope, converted from a petty mercantile corporation into a vast military empire, and holding in her name and expending in her service territorial dominions and revenues equal to those of the most powerful independent monarchies.

But where is *Virginia*? Where is the "ancient dominion" upon which her great Exemplar inscribed the substance of that "maiden meditation" which even now, mayhap, is mingled with the weightier cares of majesty in her own breast? Have all attempts to plant and colonize it proved still unsuccessful? Is it still unreclaimed from original barbarism — still only the abode of wolves and wild men? And why is it not found on the map of the British possessions — why not comprised in the catalogue of Her Majesty's Colonies? Two centuries and a third ago only, when Elizabeth quitted the throne, it was there, unsettled indeed, and with not a civilized soul upon its soil, but

opening its boundless territories to the adventure and enterprise of the British people, and destined, to all human appearances, to be one day counted among the brightest jewels in the crowns of the British princes. Why is it not now seen sparkling in that which encircles her own brow?

If we might imagine the youthful Victoria, led along by the train of reflections which we have thus suggested, and snatching a moment from the anxious contemplation of colonies which she is in immediate danger of losing, to search after those which have been lost to her already,—if we might imagine her turning back the page of History to the period of the first Stuart, to discover what became of the Virginia of Elizabeth after her death, how it was finally planted, and how it passed from beneath the sceptre of her successors,—if we might be indulged in a far less natural imagination, and fancy ourselves admitted at this moment to the royal presence, and, with something more even than the ordinary boldness of Yankee curiosity, peering over the royal shoulder, as, impatient at the remembrance of losses sustained, and still more so at the prospect of like losses impending, she hurries over the leaves on which the fortunes of that Virginia are recorded, and the fortunes of all other Virginias foreshadowed, what a scene should we find unfolding itself to her view!

mis-stake  
loss?  
Colon?

She sees, at a glance, a permanent settlement effected there, and James the First, more fortunate than his mother's murderer, inscribing a name not on a mere empty territory only, but on an organized and inhabited town. A page onward, she perceives a second and entirely separate settlement accomplished in a widely distant quarter of the continent, and the cherished title of NEW ENGLAND is now presented to her view. Around these two original footholds of civilization, she sees a hardy, enterprising, and chivalrous people rapidly clustering, while other settlements are simultaneously established along the territory which divides them. Thousands of miles of coast, with their parallel ranges of interior country, are soon seen thickly studded over with populous and flourishing plantations. The population of them all, which had run up from 0 to 300,000 by the close of the seventeenth century, is found advanced to more



than two millions by the close of the eighteenth. And another page displays to her kindling gaze thirteen as noble colonies as the sun ever shone upon, with nearly three millions of inhabitants, all acknowledging their allegiance to the British Crown, all contributing their unmatched energies to the support and extension of British commerce, and all claiming, as their most valued birthright, the liberties and immunities of the British Constitution. Ah! did the volume but end there! But she perceives, as she proceeds, that in a rash hour those liberties and immunities were denied them. Resistance, War, Independence, in letters of blood, now start up bewilderingly to her sight. And where the Virginia of Elizabeth was, two centuries and a third ago, a waste and howling wilderness upon which civilized man was as yet unable to maintain himself a moment, she next beholds an independent and united Nation of sixteen millions of freemen, with a commerce second only to her own, and with a country, a constitution, an entire condition of men and things, which from all previous experience in the growth of nations, ought to have been the fruit of at least a thousand years, and would have been regarded as the thrifty produce of a Millennium well employed!

Gentlemen of the New England Society and Fellow-Citizens of New York, of this wonderful rise and progress of our country, from the merely nominal and embryo existence which it had acquired at the dawn of the seventeenth century, to the mature growth, the substantial prosperity, the independent greatness and national grandeur in which it is now beheld, we this day commemorate a main, original spring. The twenty-second of December, 1620, was not the mere birthday of a town or a colony. Had it depended for its distinction upon events like these, it would have long ago ceased to be memorable. The town which it saw planted, is indeed still in existence, standing on the very site which the Pilgrims selected, and containing within its limits an honest, industrious, and virtuous people, not unworthy of the precious scenes and hallowed associations to whose enjoyment they have succeeded. But possessing, as it did originally, no peculiar advantages, either of soil, locality, or

climate, and outstripped, as it naturally has been, in wealth, size, population, and importance, by thousands of other towns all over the continent, it would scarcely suffice to perpetuate beyond its own immediate precincts, the observance, or even the remembrance of a day, of whose doings it constituted the only monument; while the colony of whose establishment that day was also the commencement, has long since ceased to enjoy any separate political existence. As if to rescue its founders from the undeserved fortune of being only associated in the memory of posterity with the settlers of individual States, and to insure for them a name and a praise in all quarters of the country, the Colony of New Plymouth never reached the dignity of independent sovereignty to which almost all its sister colonies were destined, and is now known only as the fraction of a county of a Commonwealth which was founded by other hands.

Yes, the event which occurred two hundred and nineteen years ago yesterday, was of wider import than the confines of New Plymouth. The area of New England, greater than that of Old England, has yet proved far too contracted to comprehend all its influences. They have been coextensive with our country. They have pervaded our continent. They have passed the Isthmus. They have climbed the farthest Andes. They have crossed the ocean. The seeds of the Mayflower, wafted by the winds of Heaven, or borne in the Eagle's beak, have been scattered far and wide over the Old World as well as over the New. The suns of France or Italy have not scorched them. The frosts of Russia have not nipped them. The fogs of Germany have not blighted them. They have sprung up in every latitude, and borne fruit, some twenty, some fifty, and some an hundred fold. And though so often struck down and crushed beneath the iron tread of arbitrary power, they are still ineradicably imbedded in every soil, and their leaves are still destined to be for the healing of all nations. O, could only some one of the pious fathers, whose wanderings were this day brought to an end, be permitted to enter once more upon these earthly scenes; could he, like the pious father of ancient Rome, guided by some guardian spirit and covered with a cloud, be conducted, I care not to what spot beneath the sky, how might he exclaim,

---

as he gazed, not with tears of anguish, but of rapture, not on some empty picture of Pilgrim sorrows and Pilgrim struggles, but upon the living realities of Pilgrim influence and Pilgrim achievement — “ *Quis locus — Quæ regio* — What place, what region upon earth is there, which is not full of the products of our labors! Where, where has not some darkness been enlightened, some oppression alleviated, some yoke broken or chain loosened, some better views of God’s worship or man’s duty, of divine law or human rights, been imparted by our principles or inspired by our example!”

This country, Fellow-Citizens, has in no respect more entirely contravened all previous experience in human affairs, than in affording materials for the minutest details in the history of its earliest ages. I should rather say, of its earliest *days*, for it has had no ages, and days have done for it what ages have been demanded for elsewhere. But whatever the periods of its existence may be termed, they are all historical periods. Its whole birth, growth, being, are before us. We are not compelled to resort to cunningly devised fables to account either for its origin or advancement. We can trace back the current of its career to the very rock from which it first gushed.

Yet how like a fable does it seem, how even “stranger than fiction,” to speak of the event which we this day commemorate, as having exerted any material influence on the destinies of our country, much more as having in any degree affected the existing condition of the world! This ever-memorable, ever-glorious lauding of the Pilgrims, how, where, by what numbers, under what circumstances, was it made? From what invincible Armada did the Fathers of New England disembark? With what array of disciplined armies did they line the shore? Warned by the fate which had so frequently befallen other colonists on the same coast, what batteries did they bring to defend them from the incursions of a merciless foe; what stores to preserve them from the invasions of a not more merciful famine?

In the whole history of colonization, ancient or modern, no feebler company either in point of numbers, armament, or supplies, can be found, than that which landed, on the day we commemorate, on these American shores. Forty-one men, — of

whom two, at least, came over only in the capacity of servants to others, and who manifested their title to be counted among the Fathers of New England within a few weeks after their arrival, by fighting with sword and dagger the first *duel* which stands recorded on the annals of the New World, for which they were adjudged to be tied together neck and heels and so to lie for four-and-twenty hours without meat or drink ;— forty-one men,— of whom one more, at least, had been shuffled into the ship's company at London, nobody knew by whom, and who even more signally vindicated his claim, no long time after, to be enumerated among this pious Pilgrim band, by committing the first murder and gracing the first gallows of which there is any memorial in our colonial history ;— forty-one men, all told,— with about sixty women and children, one of whom had been born during the passage, and another in the harbor before they landed,— in a single ship, of only one hundred and eighty tons burden, whose upper works had proved so leaky, and whose middle beam had been so bowed and wracked by the cross winds and fierce storms which they encountered during the first half of the voyage, that but for “a great iron screw” which one of the passengers had brought with him from Holland, and by which they were enabled to raise the beam into its place again, they must have turned back in despair,— conducted, after a four months' passage upon the ocean, either by the ignorance or the treachery of their pilot, to a coast widely different from that which they had themselves selected, and entirely out of the jurisdiction of the corporation from which they had obtained their charter ;— and landing at last,— after a four weeks' search along the shore for a harbor in which they could land at all,— at one moment wearied out with wading above their knees in the icy surf, at another tired with travelling up and down the steep hills and valleys covered with snow, at a third, dashed upon the breakers in a foundering shallop whose sails, masts, rudder, had been successively carried away in a squall, with the spray of the sea frozen on them until their clothes looked as if they were glazed and felt like coats of iron, and having in all their search seen little else but graves, and received no other welcome but a shout of savages and a shower of arrows ;—

landing at last, with a scanty supply of provisions for immediate use, and with ten bushels of corn for planting in the ensuing spring, which they had dug out of the sand-hills where the Indians had hidden it, and without which they would have been in danger of perishing, but for which, it is carefully recorded, they gave the owners entire content about six months after ; — landing at last, in the depth of winter, with grievous colds and coughs, and the seeds of those illnesses which quickly proved the death of many, — upon a bleak and storm-beaten rock — a fit emblem of most of the soil by which it was surrounded ; *this*, this is a plain, unvarnished story of that day's transaction — this was the triumphal entry of the New England Fathers upon the theatre of their glory !\* What has saved it from being the theme of ridicule and contempt ? What has rescued it from being handed down through all history, as a wretched effort to compass a mighty end by paltry and utterly inadequate means ? What has screened it from being stigmatized forever as a Quixotic sally of wild and hare-brained enthusiasts ?

Follow this feeble, devoted band, to the spot which they have at length selected for their habitation. See them felling a few trees, sawing and carrying the timber, and building the first New England house, of about twenty feet square, to receive them and their goods ; — and see that house, the earliest product of their exhausted energies, within a fortnight after it was finished, and on the very morning it was for the first time to have been the scene of their wilderness worship, burnt in an instant to the ground.

They have chosen a Governor — one whom of all others they respect and love — but his care and pains were so great for the common good, as therewith it is thought he oppressed himself, and shortened his days, and one morning, early in the spring, he came out of the cornfields, where he had been toiling with the rest, sick, and died. They have elected another ; but who is there now to be governed ? They have chosen a Captain, too,

\* In this description, and in some other of the narrative portions of the Address, I have employed phrases and paragraphs gleaned here and there from the writings of Prince, Morton, and others, without deeming it necessary to disfigure the pages by too frequent a use of the *inverted commas*.

and appointed military orders; but who is there now to be armed and marched to battle? At the end of three months a full half of the company are dead;— of one hundred persons scarce fifty remain, and of those, the living are scarce able to bury the dead, the well not sufficient to tend the sick. Were there no graves in England that they have thus come out to die in the wilderness?

But, doubtless, the diminution of their numbers has, at least, saved them from all fear of famine. Their little cornfields have yielded a tolerable crop, and the autumn finds such as have survived in comparative health and plenty. And now, the first arrival of a ship from England rejoices them not a little. Once more they are to hear from home, from those dear families and friends which they have left behind them, to receive tokens of their remembrance in supplies sent to their relief, perhaps to behold some of them face to face coming over to share in their lonely exile. Alas! one of the best friends to their enterprise has, indeed, come over, and brought five-and-thirty persons to live in their plantation; but the ship is so poorly furnished with provisions, that they are forced to spare her some of theirs to carry her back, while not her passengers only, but themselves too, are soon threatened with starvation. The whole company are forthwith put upon half allowance; but the famine, notwithstanding, begins to pinch. They look hard for a supply, but none arrives. They spy a boat at sea; it is nearing the shore; it comes to land; it brings — *a letter*; it brings more — it brings seven passengers to join them; more mouths to eat, but no food, no hope of any. But they have begged, at last, of a fisherman at the Eastward, as much bread as amounts to a quarter of a pound per day till harvest, and with that they are sustained and satisfied.

And now, the Narragansetts, many thousands strong, begin to breathe forth threatenings and slaughter against them, mocking at their weakness and challenging them to the contest. And when they look for the arrival of more friends from England, to strengthen them in this hour of peril, they find a disorderly, unruly band of fifty or sixty worthless fellows coming amongst them to devour their substance, to waste and steal

their corn, and by their thefts and outrages upon the natives, also, to excite them to fresh and fiercer hostilities.

Turn to the fate of their first mercantile adventure. The ship which arrived in their harbor next after the Mayflower had departed, and which, as we have seen, involved them in the dangers and distresses of a famine, has been laden with the proceeds of their traffic with the Indians, and with the fruits of their own personal toil. The little cargo consists of two hog-heads of beaver and other skins, and good clapboards as full as she can hold — the freight estimated in all at near five hundred pounds. What emotions of pride, what expectations of profit, went forth with that little outfit! And how were they doomed to be dashed and disappointed! Just as the ship was approaching the English coast, she was seized by a French freebooter, and robbed of all she had worth taking!

View them in a happier hour, in a scene of prosperity and success. They have a gallant warrior in their company, whose name, albeit it was the name of a little man, (for Miles Standish was hardly more than five feet high,) has become the very synonyme of a great captain. An alarm has been given of a conspiracy among the natives, and he has been empowered to enlist as many men as he thinks sufficient to make his party good against all the Indians in the Massachusetts Bay. He has done so, has put an end to the conspiracy, and comes home laden with the spoils of an achievement which has been styled by his biographer his "most capital exploit." How long a list of killed and wounded, think you, is reported as the credentials of his bloody prowess, and how many men does he bring with him to share in the honors of the triumph? The whole number of Indians slain in this expedition was *six*, and though the Pilgrim hero brought back with him in safety every man that he carried out, the returning host numbered but *eight* beside their leader. He did not take more with him, we are told, in order to prevent that jealousy of military power which, it seems, had already found its way to a soil it has never since left. But his proceedings, notwithstanding, by no means escaped censure. When the pious Robinson heard of this transaction in Holland, he wrote to the Pilgrims "to consider the disposition of their

Captain, who was of a warm temper," adding, however, this beautiful sentiment in relation to the wretched race to which the victims of the expedition belonged, — "it would have been happy, if they had converted some before they had killed any."

Inconceivable Fortune! Unimaginable Destiny! Inscrutable Providence! Are these the details of an event from which such all-important, all-pervading influences were to flow? Were these the means, and these the men, through which, not New Plymouth only was to be planted, not New England only to be founded, not our whole country only to be formed and moulded, but the whole hemisphere to be shaped, and the whole world shaken? Yes, Fellow-Citizens, this was the event, these were the means, and these the men, by which these mighty impulses and momentous effects actually have been produced. And inadequate, unadapted, impotent, to such ends, as to all outward appearances they may seem, there was a power in them, and a Power over them, amply sufficient for their accomplishment, and the only powers that were thus sufficient. The direct and immediate influence of the passengers in the Mayflower, either upon the destinies of our own land or of others, may, indeed, have been less conspicuous than that of some of the New England colonists who followed them. But it was the bright and shining wake they left upon the waves, it was the clear and brilliant beacon they lighted upon the shores, that caused them to have any followers. They were the pioneers in that peculiar path of emigration which alone conducted to these great results. They, as was written to them by their brethren in the very outset of their enterprise, — they were the instruments to break the ice for others, and theirs shall be the honor unto the world's end!

When the Pilgrim Fathers landed upon Plymouth Rock, one hundred and twenty-eight years had elapsed since the discovery of the New World by Columbus. During this long period, the southern Continent of America had been the main scene of European adventure and enterprise. And richly had it repaid the exertions which had been made to subdue and settle it. The empires of Montezuma and the Incas had surrendered them-



selves at the first summons before the chivalrous energies of Cortes and Pizarro, and Brazil had mingled her diamonds with the gold and silver of Mexico and Peru, to deck the triumphs and crown the rapacity of the Spaniard and the Portuguese.

But the northern Continent had been by no means neglected in the adventures of the day. Nor had those adventures been confined to the subjects of Portugal and Spain. The monarchs of those two kingdoms, indeed, emboldened by their success at the south, had put forth pretensions to the sole jurisdiction of the whole New Hemisphere. But Francis the First had well replied, that he should be glad to see the clause in *Adam's Will* which made the northern Continent their exclusive inheritance, and France, under his lead, had set about securing for herself a share of the spoils. It was under French patronage that John Verazzani was sailing in 1524, when the harbor of New York especially attracted his notice for its great convenience and pleasantness.

But England, also,—with better right than either of the others, claiming, as she could, under the Cabots,—had not been inattentive to the opportunity of enlarging her dominions, and I have already alluded to sundry unsuccessful attempts which were made by the English to effect this object, during the reign and under the patronage of Queen Elizabeth.

Within a few months previous to the close of her reign and without her patronage, Bartholomew Gosnold added another to the list of these unavailing efforts, having only achieved for himself the distinction of being the first Englishman that ever trod what was afterwards known as the New England shore, and of having given to the point of that shore upon which he first set foot, the homely, but now endeared and honored title of Cape Cod.

Only a few years after the death of the Queen, however, these efforts were renewed with fresh zeal. As early as 1606, King James divided the Virginia of Elizabeth into two parts, and assigned the colonization of them to two separate companies, by one of which, and especially by its President, the Lord Chief Justice Popham, an attempt was immediately made to

settle the New England coast. A colony, indeed, was actually planted under his patronage, and under the personal lead of his brother, at Sagadahoc, near the mouth of the Kennebec River, in 1607. But it remained there only a single year, and was broken up under such disheartening circumstances — the colonists, on their return, branding the country “as over cold and not habitable by our nation” — that the Adventurers gave up their designs.

Five or six years later, notwithstanding, in 1614, the famous Captain John Smith, who had already, under the auspices of the other of the two companies, established what afterwards proved to be, rather than really then was, a permanent settlement in southern Virginia, having founded Jamestown in 1607, was induced to visit and survey this *Northern Virginia* also, as it was then called. And after his return home, Captain Smith prepared and published a detailed account of the country with a map, calling it for the first time, and as if to secure for it all the favor which the associations of a noble name could bestow, *New England*, and giving a most glowing description of the riches, both of soil and sea, of forests and fisheries, which awaited the enjoyment of the settler. “For I am not so simple,” said he, (fortunate, fortunate for the foundation of the country he was describing, such simplicity was at length discovered!) “for I am not so simple as to think that ever any other motive than *wealth*, will ever erect there a common weal, or draw company from their ease and humors at home to stay in New England.”

During the following year this gallant and chivalrous seaman and soldier evinced the sincerity of the opinion which he had thus publicly expressed, as to the inviting character of the spot, by attempting a settlement there himself, and made two successive voyages for that purpose. But both of them were continued scenes of disappointment and disaster, and he, too, for whose lion-hearted heroism nothing had ever seemed too difficult, was compelled to acknowledge himself overmatched, and to abandon the undertaking.

And where now were the hopes of planting New England? The friends to the enterprise were at their wit's end. All that the patronage of princes, all that the combined energies of rich

and powerful corporations, all that the individual efforts of the boldest and most experienced private adventurers, stimulated by the most glowing imaginations of the gains which awaited their grasp, could do, had been done, and done in vain. Means and motives of this sort had effected nothing, indeed, on the whole North American Continent, after more than half a century of uninterrupted operation, but a little settlement at one extremity by the Spanish, (St. Augustine, in 1565,) a couple of smaller settlements at the other extremity by the French, (Port Royal, in 1605, and Quebec, in 1609,) and smaller and more precarious than either, the Jamestown settlement, about midway between the two; this last being the only shadow — and but a shadow it was — of English colonization on the whole continent.

But the Atlantic coast of North America, and especially that part of it which was to be known as New England, was destined to date its ultimate occupation to something higher and nobler than the chivalry of adventurers, the greediness of corporations, or the ambition of kings. The lust of new dominion, the thirst for treasure, the quest for spoil, had found an ample field, reaped an overflowing harvest, and rioted in an almost fatal surfeit on the southern Continent. It might almost seem, in view of the lofty destinies which were in store for the northern, in contemplation of the momentous influences it was to exert upon the welfare of mankind and the progress of the world, as if Providence had heaped those treasures and clustered those jewels upon the soil of Peru and Mexico, to divert the interest, absorb the passions, cloy the appetite and glut the rapacity which were naturally aroused by the discovery of a New World. We might almost imagine the guardian Spirit of the Pilgrims commissioned to cast down this golden fruit, and strew this Hesperian harvest along the pathway of the newly awakened enterprise, to secure the more certainly for the subjects of its appointed care, the possession of their promised land — their dowerless, but chosen Atalanta.

But I am anticipating an idea which must not be thus summarily dismissed, and to which I may presently find an opportunity to do better justice. Meantime, however, let me remark, that we are not left altogether to supernatural agency for at least

the secondary impulse under which New England was colonized. Nor were the earthly princes and potentates of whom I have already spoken,—Elizabeth, her Minister of Justice, and her successor in the throne,—though so signally frustrated in all their direct endeavors to that end, without a most powerful, though wholly indirect and involuntary, influence upon its final accomplishment.

The daughter of Ann Bullen could not fail to cherish a most hearty and implacable hatred towards that Church, in defiance of whose thunders she was conceived and cradled, and in the eye and open declaration of which she was a bastard, a heretic, an outlaw, and a usurper. So far, at any rate, Elizabeth was a friend to the Reformation. But she had almost as little notion as her father, of any reformation which reached beyond releasing her dominions from the authority of the Pope, and establishing herself at the head of the Church. And, accordingly, the very first year of her reign was marked by the enactment of laws exacting, under the severest penalties, conformity to the doctrines and discipline of the English Church—a policy which she never relinquished.

For a violation of these laws and others of subsequent enactment, but of similar import, a large number of persons in her kingdom, whose minds had been too thoroughly inspired with disgust for the masks and mummeries of Catholic worship, to be content with a bare renunciation of the temporal or spiritual authority of the Pope, were arrested, imprisoned, and treated with all manner of persecution. At least six of them were capitally executed, and two of these, as it happened, were condemned to death by that very Lord Chief Justice whom we have seen a few years afterwards at the head of the Plymouth Company, engaged in so earnest but unavailing an effort to colonize the New England coast. Little did he know that his part in that work had been already performed.

In an imaginary “dialogue between some young men born in New England, and sundry ancient men that came out of Holland and Old England,” written in 1648, by Governor Bradford—a name which before all others should be this day remembered with veneration—the young men are represented as asking of

the old men, how many Separatists had been executed? "We know certainly of six," replied the ancient men, "that were publicly executed, besides such as died in prisons. . . . Two of them were condemned by cruel Judge Popham, whose countenance and carriage was very rough and severe towards them, with many sharp menaces. But God gave them courage to bear it, and to make this answer:—

" ' My Lord, your face we fear not,  
And for your threats we care not,  
And to come to your read service we dare not.' "

Nor did King James depart from the footsteps of his predecessor in the religious policy of his administration. Though from his Scotch education and connections, and from the opinions which he had openly avowed before coming to the English throne, he had seemed pledged to a career of liberality and toleration, yet no sooner was he fairly seated on that throne than he, too, set about vindicating his claim to his new title of "Defender of the Faith," and enforcing conformity to the rites and ceremonies of the English Church. And he cut short a conference at Hampton Court, between himself and the Puritan leaders, got up at his own instigation, in the vainglorious idea that he could vanquish these heretics in an argument, with this summary and most significant declaration—"If this be all they have to say, I will make them conform, *or I will harry them out of the land.*"

The idea of banishment was full of bitterness to those to whom it was thus sternly held up. They loved their native land with an affection which no rigor of restraint, no cruelty of persecution could quench. Death itself, to some of them at least, seemed to have fewer fears than exile. "We crave," was the touching language of a Petition of sixty Separatists, in 1592, who had been committed unobtainable to close prison in London, where they were allowed neither meat, nor drink, nor lodging, and where no one was suffered to have access to them, so as no felons or traitors or murderers were thus dealt with,—  
"We crave for all of us but the liberty either to die openly or to live openly in the land of our nativity. If we deserve death,

it beseemeth the majesty of justice not to see us closely murdered, yea, starved to death with hunger and cold, and stifled in loathsome dungeons. If we be guiltless, we crave but the benefit of our innocence, that we may have peace to serve our God and our Prince in the place of the sepulchres of our fathers."

But there were those among them, notwithstanding, to whom menaces, whether of banishment or of the block, even uttered thus angrily by one, who, as he once well said of himself, "while he held the appointment of Judges and Bishops in his hand, could make what law and what gospel he chose," were alike powerless, to prevail on them to conform to modes and creeds which they did not of themselves approve. They heard a voice higher and mightier than James's, calling to them in the accents of their own consciences, and saying, in the express language of a volume, which it had been the most precious result of all the discoveries, inventions, and improvements of that age of wonders to unlock to them — "Be ye not conformed, but be ye transformed" — and that voice, summon it to exile, or summon it to the grave, they were resolved to obey.

Foiled, therefore, utterly in the first of his alternatives, the King resorted to the last. It was more within the compass of his power, and he *did* harry them out of the land. Within three years after the utterance of this threat, (namely, in 1607,) it is recorded by the Chronologist, that Messrs. Clifton's and Robinson's church in the north of England, being extremely harassed, some cast into prison, some beset in their houses, some forced to leave their farms and families, begin to fly over to Holland for purity of worship and liberty of conscience.

Religions, true and false, have had their Hegiras, and institutions and empires have owed their origin to the flight of a child, a man, or a multitude. Moses fled from the face of Pharaoh; but he returned to overwhelm him with the judgments of Jehovah, and to build up Israel into a mighty people. Mahomet with his followers fled from the magistrates of Mecca; but he came back, with the sword in one hand and the Koran in the other, and the empire of the Saracens was soon second to none on the globe. "The young child and his mother" fled from the fury of Herod; but they returned, and the banner of the Cross

was still destined to go forth conquering and to conquer. The Pilgrim Fathers, also, fled from the oppression of this arbitrary tyrant, and, although their return was to a widely distant portion of his dominions, yet return they did, and the freedom and independence of a great republic, delivered from the yoke of that tyrant's successors, date back their origin, this day, to the principles for which they were proscribed, and to the institutions which they planted.

But let us follow them in their eventful flight. They first settle at Amsterdam, where they remain for about a year, and are soon joined by the rest of their brethren. But finding that some contentions had arisen in a church which was there before them, and fearing that they might themselves become embroiled in them, though they knew it would be very much "to the prejudice of their outward interest" to remove, yet "valuing peace and spiritual comfort above all other riches" they depart to Leyden, and there live "in great love and harmony both among themselves and their neighbor citizens for above eleven years."

But, although during all this time they had been courteously entertained and lovingly respected by the people, and had quietly and sweetly enjoyed their church liberties under the States, yet finding that, owing to the difference of their language, they could exert but little influence over the Dutch, and had not yet succeeded in bringing them to reform the neglect of observation of the Lord's day as a Sabbath, or any other thing amiss among them, — that owing, also, to the licentiousness of youth in that country and the manifold temptations of the place, their children were drawn away by evil examples into extravagant and dangerous courses, they now begin to fear that Holland would be no place for their church and their posterity to continue in comfortably, and on those accounts to think of a remove to America. And having hesitated a while between Guiana and Virginia, as a place of resort, and having at last resolved on the latter, they send their agents to treat with the Virginia Company for a right within their chartered limits, and to see if the King would give them liberty of conscience there. The Company they found ready enough to grant them a patent with ample privileges, but liberty of conscience under the broad

seal King James could never be brought to bestow, and the most that could be extorted from him, by the most persevering importunity, was a promise that he would *connive* at them, and not molest them, provided they should carry themselves peaceably.

Notwithstanding this discouragement, however, they resolved to venture. And after another year of weary negotiation with the merchants who were to provide them with a passage, the day for their departure arrives. It had been agreed that a part of the church should go before their brethren to America to prepare for the rest, and as the major part was to stay behind, it was also determined that their pastor, the beloved Robinson, should stay with them. Not only were the Pilgrims thus about to leave "that goodly and pleasant city which had been their resting place above eleven years," but to leave behind them also the greatest part of those with whom they had been so long and lovingly associated in a strange land, and this — to encounter all the real and all the imaginary terrors which belonged to that infancy of ocean navigation, to cross a sea of three thousand miles in breadth, and to reach at last a shore which had hitherto repelled the approaches of every civilized settler! Who can describe the agonies of such a scene? Their Memorialist has done it in language as satisfactory as any language can be, but the description still seems cold and feeble.

"And now the time being come when they were to depart," says he, "they were accompanied with most of their brethren out of the city unto a town called Delft Haven, where the ship lay ready to receive them. . . . One night was spent with little sleep with the most, but with friendly entertainment and Christian discourse, and other real expressions of true Christian love. The next day, the wind being fair, they went on board, and their friends with them, where truly doleful was the sight of that sad and mournful parting, to hear what sighs and sobs and prayers did sound amongst them, what tears did gush from every eye, and pithy speeches pierced each other's hearts, that sundry of the Dutch strangers, that stood on the Key as spectators, could not refrain from tears. But the tide (which stays for no man) calling them away that were thus loath to depart,



their reverend pastor falling down on his knees, and they all with him, with watery cheeks commended them with most fervent prayers unto the Lord and his blessing; and then, with mutual embraces and many tears, they took their leave of one another, which proved to be the last leave to many of them."

Such was the embarkation of the New England Fathers! Such the commencement of that Pilgrim voyage, whose progress during a period of five months I have already described, and whose termination we this day commemorate! Under these auspices, and by these instruments, was at last completed an undertaking which had so long baffled the efforts of statesmen and heroes, of corporations and of kings! Said I not rightly that the Pilgrims had a power within them, and a Power over them, which were not only amply adequate to its accomplishment, but which were the only powers that were thus adequate? And who requires to be reminded what those powers were?

I fear not to be charged with New England bigotry or Puritan fanaticism in alluding to the Power which was over the Pilgrims in their humble but heroic enterprise. If Washington, in reviewing the events of our Revolutionary history, could say to the American armies, as he quitted their command, that "the singular interpositions of Providence in our feeble condition were such as could scarcely escape the attention of the most unobserving," and again to the American Congress, on first assuming the administration of the Union, that "every step by which the people of the United States had advanced to the character of an independent nation, seemed to have been distinguished by some token of Providential agency," how much less can any one be in danger of subjecting himself to the imputation of indulging in a wild conceit, or yielding to a weak superstition, by acknowledging, by asserting, a Divine intervention in the history of New England colonization. It were easy, it is true, to convey the same sentiment in more fashionable phraseology — to disguise an allusion to a wonder-working Providence under the name of an extraordinary fortune, or to cloak the idea of a Divine appointment under the title of a lucky accident. But I should feel that I dishonored the memory of our New

England sires, and deserved the rebuke of their assembled sons, were I, on an occasion like the present, to resort to such miserable paltering.

No — I see something more than mere fortunate accidents or extraordinary coincidences in the whole discovery and colonization of our country, — in the age at which these events took place, in the people by whom they were effected, and more especially in the circumstances by which they were attended; and may my tongue cleave to the roof of my mouth if ever I am ashamed to say so!

When I reflect that this entire hemisphere of ours remained so long in a condition of primeval barbarism, — that the very existence of its vast continents was so long concealed from the knowledge of civilized man, — that these colossal mountains so long lifted their summits to the sky and cast their shadows across the earth, — that these gigantic rivers so long poured their mighty, matchless waters to the sea, — that these magnificent forests so long waved their unrivalled foliage to the winds, and these luxuriant fields and prairies so long spread out their virgin sods before the sun, — without a single intelligent human being to enjoy, to admire, or even to behold them: —

When I reflect to what heights of civilization, ambition, and power, so many of the nations of the Old World were successively advanced, reaching a perfection in some branches of art and of science which has destined their very ruins to be the wonder, the delight, the study, and the models of mankind for ever, and pushing their commerce and their conquests over sea and shore with an energy so seemingly indomitable and illimitable, and yet that these seas and these shores, reserved for other Argonauts than those of Greece, and other Eagles than those of Rome, were protected alike from the reach of their arts and of their arms, from their rage for glory and their lust for spoils: —

When I reflect that all the varieties of roaming tribes which, up to the period of the events of which I speak, had found their way, nobody knows when or from whence, to this northern Continent at least, were so mysteriously endowed with a nature, not merely to make no progress in improvement and settlement of themselves, but even to resist and defy every influence which

could be brought to bear upon them by others, except such as tended to their own extirpation and overthrow, — how they shrank at the approach of the civilized settler, melting away as they retired, and marking the trail of their retreat, I had almost said, by the scent of their own graves; — or, if some stragglers of a race less barbarous, at some uncertain epoch, were brought unknowingly upon our shores, that, instead of stamping the Rock upon which they landed with the unequivocal foot-prints of the fathers of a mighty nation, they only scratched upon its surface a few illegible characters, to puzzle the future antiquary to decide whether they were of Scandinavian or of Carthaginian, of Runic or of Punic origin, and to prove only this distinctly, — that their authors were not destined to be the settlers, or even the discoverers, in any true sense of that term, of the country upon which they had thus prematurely stumbled: —\*

When I reflect upon the momentous changes in the institutions of society, and in the instruments of human power, which were crowded within the period which was ultimately signalized by this discovery and this settlement; the *press*, by its magic enginery, breaking down every barrier, and annihilating every monopoly in the paths of knowledge, and proclaiming all men equal in the arts of peace; *gunpowder*, by its tremendous properties, undermining the moated castles and rending asunder the plaited mail of the lordly chieftains, and making all men equal on the field of battle; the *Bible*, rescued from its unknown tongues, its unauthorized interpretations, and its unworthy perversions, opened at length in its original simplicity and purity to the world, and proving that all men were born equal in the eye of God; — when I see learning reviving from its lethargy of centuries, religion reasserting its native majesty, and liberty — Liberty itself — thus armed and thus attended, starting up anew to its long suspended career, and exclaiming, as it were, in the confidence of its new instruments and its new auxiliaries — “Give

\* Von Müller, in his *Universal History*, speaks of “the monument apparently *Punic*, which was found some years ago in the forests behind Boston,” and adds, “it is possible that some Tyrians or Carthaginians, thrown by storms upon unknown coasts, uncertain if ever the same tracts might be again discovered, chose to leave this monument of their adventures.” He refers, without doubt, to the same Rock at Dighton, which the Society of Northern Antiquaries in Denmark claim as conclusive evidence of the discovery of America by the Scandinavians.

me now a place to stand upon — a place free from the interference of established power, free from the embarrassment of ancient abuses, free from the paralyzing influence of a jealous and overbearing prerogative — *give me but a place to stand upon, and I will move the world,*” — I cannot consider it, I cannot call it, a mere fortunate coincidence, that then, at that very instant, the veil of waters was lifted up, that place revealed, and the world moved!

When I reflect, too, on the nation under whose reluctant auspices this revelation was finally vouchsafed to the longing vision of the intrepid Admiral; how deeply it was already plunged in the grossest superstitions and sensualities; how darkly it was already shadowed by the impending horrors of its dread tribunal, and how soon it was to lose the transient lustre which might be reflected upon it from the virtues of an Isabella or the genius of a Charles V., and to sink into a long and rayless night of ignorance and oppression: —

When I look back upon its sister kingdom of the Peninsula, also, which shared with it in reaping the teeming first-fruits of the new-found world, and find them matching each other not more nearly in the boldness of their maritime enterprise, than in the sternness of their religious bigotry and in the degradation of their approaching doom: —

When I remember how both of these kingdoms, from any colonies of whose planting there could have been so poor a hope of any early or permanent advancement to the cause of human freedom, were attracted and absorbed by the mineral and vegetable treasures of the tropical islands and territories, and by the gorgeous empires which spirits of congenial grossness and sensuality had already established there, while this precise portion of America, these noble harbors, these glorious hills, these exhaustless valleys and matchless lakes, presenting a combination of climate and of soil, of land course and water course, marked and quoted, as it were, by nature herself, for the abode of a great, united, and prosperous republic, — the rock-bound region of New England not excepted from the category, which, though it can boast of nothing nearer akin to gold or diamonds than the sparkling *mica* of its granite or the glittering

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crystals of its ice, was yet framed to produce a wealth richer than gold, and whose price is above rubies, — the intelligent and virtuous industry of a free people; — when I remember, I say, how this exact portion of the new world was held back for more than a century after its discovery, and reserved for the occupation and settlement of the only nation under the sun able to furnish the founders of such a republic and the progenitors of such a people — the very nation in which the reforms and inventions of the day had wrought incomparably the most important results, and human improvement and human liberty had made incalculably the largest advance, — I cannot regard it, I cannot speak of it, as a mere lucky accident, that this Atlantic seaboard was settled by colonies of the Anglo-Saxon race!

And when, lastly, I reflect on the circumstances under which this settlement was in the end effected, on that part of the coast, more especially, which exerted a paramount influence on the early destinies of the Continent, and gave the first unequivocal assurance that virtue and industry and freedom were here to find a refuge and here to found themselves an empire: —

When I behold a feeble company of exiles, quitting the strange land to which persecution had forced them to flee; entering with so many sighs and sobs and partings and prayers on a voyage so full of perils at the best, but rendered a hundred-fold more perilous by the unusual severities of the season and the absolute unseaworthiness of their ship; arriving in the depth of winter on a coast to which even their pilot was a perfect stranger, and where “they had no friends to welcome them, no inns to entertain them, no houses, much less towns, to repair unto for succor,” but where, — instead of friends, shelter, or refreshment, — famine, exposure, the wolf, the savage, disease, and death, seemed waiting for them; and yet accomplishing an end which royalty and patronage, the love of dominion and of gold, individual adventure and corporate enterprise had so long essayed in vain, and founding a colony which was to defy alike the machinations and the menaces of tyranny, in all periods of its history, — it needs not, it needs not, that I should find the coral pathway of the sea laid bare, and its waves a wall on the

right hand and on the left, and the crazed chariot wheels of the oppressor floating in fragments upon its closing floods, to feel, to realize, that higher than human was the Power which presided over the Exodus of the Pilgrim Fathers!

Was it not something more than the ignorance or the self-will of an earthly and visible pilot, which, instead of conducting them to the spot which they had deliberately selected,—the very spot on which we are now assembled, the banks of your own beautiful Hudson, of which they had heard so much during their sojourn in Holland, but which were then swarming with a host of horrible savages,—guided them to a coast which, though bleaker and far less hospitable in its outward aspect, had yet, by an extraordinary epidemic, but a short time previous, been almost completely cleared of its barbarous tenants? Was it not something more, also, than mere mortal error or human mistake, which, instead of bringing them within the limits prescribed in the patent they had procured in England, directed them to a shore on which they were to land upon their own responsibility and under their own authority, and thus compelled them to an act, which has rendered Cape Cod more memorable than Runnymede, and the cabin of the Mayflower than the proudest hall of ancient charter or modern constitution,—the execution of the first written original contract of Democratic Self-Government which is found in the annals of the world?

But the Pilgrims, I have said, had a power within them also. If God was not seen among them in the fire of a Horeb, in the earthquake of a Sinai, or in the wind cleaving asunder the waves of the sea they were to cross, He was with them, at least, in the still, small voice. Conscience, conscience, was the nearest to an earthly power which the Pilgrims possessed, and the freedom of conscience the nearest to an earthly motive which prompted their career. It was conscience which “weaned them from the delicate milk of their mother country, and inured them to the difficulties of a strange land.” It was conscience which made them “not as other men, whom small things could discourage, or small discontentments cause to wish themselves at home again.” It was conscience—that “*robur et æs triplex circa pectus*”—which emboldened them to launch their fragile bark

upon a merciless ocean, fearless of the fighting winds and lowering storms. It was conscience which stiffened them to brave the perils, endure the hardships, undergo the privations of a howling, houseless, hopeless desolation. And thus, almost in the very age when the Great Master of human nature was putting into the mouth of one of his most interesting and philosophical characters, that well-remembered conclusion of a celebrated soliloquy, —

“ Thus conscience does make cowards of us all ;  
And thus the native hue of resolution  
Is sicklied o'er with the pale cast of thought ;  
And enterprises of great pith and moment  
With *this* regard, their currents turn awry,  
And lose the name of action,” —

this very conscience, a clog and an obstacle, indeed, to its foes, but the surest strength and sharpest spur of its friends, was inspiring a courage, confirming a resolution, and accomplishing an enterprise, to which the records of the world will be searched in vain to find a parallel. Let it never be forgotten that it was conscience, and that, not intrenched behind broad seals, but enshrined in brave souls, which carried through and completed the long-baffled undertaking of settling the New England coast.

But conscience did more than this. It was that same still, small voice, which, under God, and through the instrumentality of the Pilgrims, pronounced the very fiat of light in the creation of civilized society on this whole northern Continent of America ; exerting an influence in the process of that creation, compared with which all previous influences were but so many movings on the face of the waters.

Let me not be thought, in this allusion and others like it, in which I have already indulged, to slight the claims of the Virginia colony, or to do designed injustice to its original settlers. There are laurels enough growing wild upon the graves of Plymouth, without tearing a leaf from those of Jamestown. New England does not require to have other parts of the country cast into shade, in order that the brightness of her own early days may be seen and admired. Least of all, would any son of New England be found uttering a word in wanton disparage-

ment of "our noble, patriotic, sister colony, Virginia," as she was once justly termed by the patriots of Faneuil Hall. There are circumstances of peculiar and beautiful correspondence in the careers of Virginia and New England, which must ever constitute a bond of sympathy, affection, and pride between their children. Not only did they form respectively the great northern and southern rallying-points of civilization on this continent; not only was the most friendly competition, or the most cordial coöperation, as circumstances allowed, kept up between them during their early colonial existence; but who forgets the generous emulation, the noble rivalry, with which they continually challenged and seconded each other in resisting the first beginnings of British aggression, in the persons of their James Otises and Patrick Henrys? Who forgets that, while that resistance was first brought to a practical test in New England, at Lexington, and Concord, and Bunker Hill, — fortune, as if resolved to restore the balance of renown between the two, reserved for the Yorktown of Virginia the last crowning victory of Independence? Who forgets that, while the hand by which the original Declaration of that Independence was drafted, was furnished by Virginia, the tongue by which the adoption of that instrument was defended and secured, was supplied by New England — a bond of common glory, upon which not death alone seemed to set his seal, but Deity, I had almost said, to affix an immortal sanction, when the spirits by which that hand and that tongue were moved, were caught up together to the clouds on the same great day of the nation's jubilee. Nor let me omit to allude to a peculiar distinction which belongs to Virginia alone. It is her preëminent honor and pride, that the name which the whole country acknowledges as that of a father, she can claim as that of a son — a name at which comparison ceases — to which there is nothing similar, nothing second — a name combining in its associations all that was most pure and godly in the nature of the Pilgrims, with all that was most brave and manly in the character of the Patriots — a name above every name in the annals of human liberty!

But I cannot refrain from adding, that not more does the fame of WASHINGTON surpass that of every other public charac-



ter which America, or the world at large, has yet produced, than the New England colony, in its origin and its influences, its objects and its results, excels that from which Washington was destined to proceed.

In one point, indeed, and that, it is true, a point of no inconsiderable moment, the colonies of Jamestown and Plymouth were alike. Both were colonies of *Englishmen*;—and in running down the history of our country from its first colonization to the present hour, I need hardly say that no single circumstance can be found, which has exercised a more propitious and elevating influence upon its fortunes, than the English origin of its settlers. Not to take up time in discussing either the abstract adaptation of the Anglo-Saxon character to the circumstances of a new country, or its relative capacity for the establishment and enjoyment of free institutions,—the most cursory glance at the comparative condition, past or present, of those portions of the New World, which were planted by other nations, is amply sufficient to illustrate this idea. Indeed, our own continent affords an illustration of it, impressed upon us anew by recent events in the Canadian colonies, which renders any reference to the other entirely superfluous. The contrast between the social, moral, and intellectual state of the two parts of North America which were peopled respectively by Englishmen and Frenchmen, has been often alluded to. But a comparison of their political conditions exhibits differences still more striking.

Go back to the period immediately preceding the Stamp Act, and survey the circumstances of the two portions of country, as they then existed. Both are in a state of colonial dependence on Great Britain. But the one has just been reduced to that state by force of arms. Its fields and villages have just been the scenes of the pillage and plunder which always march in the train of conquest. The allegiance of their owners has been violently transferred to new masters, as the penalty of defeat. And to keep alive the more certainly the vindictive feelings which belong to the bosoms of a vanquished people, and to frustrate the more entirely the natural influences of time and custom in healing up the wounds which such a subjugation has

inflicted, the laws of their conquerors are enacted and administered in a strange tongue, and one which continually reminds them that the yoke under which they have passed, is that of a nation towards which they have an hereditary hatred. The people of the other portion, on the contrary, owe their relation to the common sovereign of them both, to nothing but their own natural and voluntary choice, — feel towards the nation over which he presides nothing but the attachment and veneration of children towards the parent of their pride, and are bound to it by the powerful ties of a common history, a common language, and a common blood. Tell me, now, which of the two will soonest grow impatient of its colonial restraint, soonest throw off its foreign subordination, and soonest assert itself free and independent?

And what other solution can any one suggest to the problem presented by the fact as it exists — the very reverse of that which would thus have been predicted, — what other clew can any one offer to the mystery, that the French colonies should have remained, not entirely quietly, indeed, but with only occasional returns of ineffectual throes and spasms, up to this very hour, in a political condition which every thing would seem to have conspired to render loathsome and abhorrent, while the English colonies, snapping alike every link either of love or of power, breaking every bond both of affection and authority, resolved themselves into an independent nation half a century ago, — what other explanation, I repeat, can any one give to this paradox fulfilled, than that which springs from a consideration of the comparative capacities for self-improvement and self-government of the races by which they were planted? A common history, a common language, a common blood, were, indeed, links of no ordinary strength, between the Atlantic colonies and the mother country. But that language was the language in which Milton had sung, Pym pleaded, and Locke reasoned; that blood was the blood which Hampden had poured out on the plain of Chalgrove, and in which Sidney and Russell had weltered on the block of martyrdom; and that history had been the history of toiling, struggling, but still-advancing liberty for a thousand years. Such links could only unite the

free. They lost their tenacity in a moment, when attempted to be recast on the forge of despotism and employed in the service of oppression. Nay, the brittle fragments into which they were broken in such a process, were soon moulded and tempered and sharpened into the very blades of a triumphant resistance. What more effective instruments, what more powerful incitements, did our fathers enjoy, in their revolutionary struggle, than the lessons afforded them in the language, the examples held up to them in the history, the principles, opinions, sensibilities, impulses, flowing from the hearts and vibrating through the veins, which they inherited from the very nation against which they were contending! Yes, let us not omit, even on this day, when we commemorate the foundation of a colony which dates back its origin to British bigotry and British persecution, even in this connection, too, when we are speaking of that contest for liberty which owed its commencement to British oppression and British despotism,—let us not omit to express our gratitude to God, that old England was still our mother country, and to acknowledge our obligations to our British ancestors for the glorious capabilities and instincts which they bequeathed us.

But, with the single exception that both emigrated from England, the colonies of Jamestown and Plymouth had nothing in common, and, to all outward appearances, the former enjoyed every advantage. The two companies, as it happened, though so long an interval elapsed between their reaching America, left their native land within about a year of each other; but under what widely different circumstances did they embark! The former set sail from the port of the Metropolis, in a squadron of three vessels, under an experienced commander, under the patronage of a wealthy and powerful corporation, and with an ample patent from the Crown. The latter betook themselves to their solitary bark, by stealth, under cover of the night, and from a bleak and desert heath in Lincolnshire, while a band of armed horsemen, rushing down upon them before the embarkation was completed, made prisoners of all who were not already on board, and condemned husbands and wives, and parents and children, to a cruel and almost hopeless separation.

Nor did their respective arrivals on the American shores,

though divided by a period of thirteen years, present a less signal contrast. The Virginia colony entered the harbor of Jamestown about the middle of May, and never could that lovely Queen of Spring have seemed lovelier, than when she put on her flowery kirtle and her wreath of clusters, to welcome those admiring strangers to the enjoyment of her luxuriant vegetation. But there were no May-flowers for the Pilgrims, save the name written, as in mockery, on the stern of their treacherous ship. They entered the harbor of Plymouth on the shortest day in the year, in this last quarter of December, — and when could the rigid Winter-King have looked more repulsive than when, shrouded with snow and crowned with ice, he admitted those shivering wanderers within the realms of his dreary domination?

But mark the sequel. From a soil teeming with every variety of production for food, for fragrance, for beauty, for profit, the Jamestown colonists reaped only disappointment, discord, wretchedness. Having failed in the great object of their adventure — the discovery of gold — they soon grew weary of their condition, and within three years after their arrival are found on the point of abandoning the country. Indeed, they are actually embarked, one and all, with this intent, and are already at the mouth of the River, when, falling in with new hands and fresh supplies which have been sent to their relief, they are induced to return once more to their deserted village.

But even up to the very year in which the Pilgrims landed, ten years after this renewal of their designs, they “had hardly become settled in their minds,” had hardly abandoned the purpose of ultimately returning to England; and their condition may be illustrated by the fact, that in 1619, and again in 1621, cargoes of young women, (a commodity of which there was scarcely a sample in the whole plantation — and would to Heaven, that all the traffic in human flesh on the Virginian coast, even at this early period, had been as innocent in itself and as beneficial in its results!) were sent out by the corporation in London and sold to the planters for wives, at from one hundred and twenty to one hundred and fifty pounds of tobacco apiece!

Nor was the political condition of the Jamestown colony much in advance of its social state. The charter, under which

they came out, contained not a single element of popular liberty, and secured not a single right or franchise to those who lived under it. And, though a gleam of freedom seemed to dawn upon them in 1619, when they instituted a Colonial Assembly and introduced the representative system for the first time into the New World, the precarious character of their popular institutions and the slender foundation of their popular liberties at a much later period, even as far down as 1671, may be understood from that extraordinary declaration of Sir William Berkeley, then Governor of Virginia, to the Lords Commissioners:—"I thank God, there are no free schools nor printing—and I hope we shall not have these hundred years;—for learning has brought disobedience, and heresy, and sects into the world; and printing has divulged them, and libels against the best government. God keep us from both."

But how was it with the Pilgrims? From a soil of comparative barrenness, they gathered a rich harvest of contentment, harmony, and happiness. Coming to it for no purpose of commerce or adventure, they found all that they sought—*religious freedom*; and that made the wilderness to them like Eden, and the desert as the garden of the Lord. Of quitting it, from the very hour of their arrival, they seem never once to have entertained, or even conceived, a thought. The first foot that leapt gently but fearlessly on Plymouth Rock was a pledge that there would be no retreating,—tradition tells us that it was the foot of MARY CHILTON.\* They have brought their wives and their little ones with them, and what other assurance could they give that they have come to their *home*? And accordingly they proceed at once to invest it with all the attributes of home, and to make it a free and a happy home. The compact of their own adoption under which they landed, remained the sole guide of their government for nine years, and though it

\* The distinction of being the first person that set foot on Plymouth Rock has been claimed for others beside Mary Chilton, and particularly for *John Alden*. But I could not resist the remark of Judge Davis on this point, in one of his notes to Morton's Memorial. After quoting the language of another, that "for the purposes of the arts a female figure, typical of faith, hope, and charity, is well adapted,"—he observes that, "as there is a great degree of uncertainty on this subject, it is not only grateful, but allowable, to indulge the imagination, and we may expect from the friends of John Alden, that they should give place to the lady."

was then superseded by a charter from the Corporation within whose limits they had fallen, it was a charter of a liberal and comprehensive character, and under its provisions they continued to lay broad and deep the foundations of civil freedom. The trial by jury was established by the Pilgrims within three years after their arrival, and constitutes the appropriate opening to the first chapter of their legislation. The education of their children, as we have seen, was one of their main motives for leaving Holland, and there is abundant evidence that it was among the earliest subjects of their attention; while the planters of Massachusetts, who need not be distinguished from the planters of Plymouth for any purposes of this comparison, founded the college at Cambridge in 1636; set up a printing press at the same place in 1639, which "divulged," in its first workings at least, nothing more libellous or heretical than a Psalm book and an Almanac; and as early as 1647 had instituted, by an ever-memorable statute, that noble system of New England free schools, which constitutes at this moment the best security of liberty, wherever liberty exists, and its best hope, wherever it is still to be established.

It would carry me far beyond the allowable limits of this Address, if, indeed, I have not already exceeded them, to contrast, in detail, the respective influences upon our country, and, through it, upon the world, of these two original colonies. The elements for such a contrast I have already suggested, and I shall content myself with only adding further upon this point, the recent and very remarkable testimony of two most intelligent French travellers, whose writings upon the United States have justly received such distinguished notice on both sides the Atlantic.

"I have already observed," says De Tocqueville, that "the origin of the American settlements may be looked upon as the first and most efficacious cause, to which the present prosperity of the United States may be attributed. . . . When I reflect upon the consequences of this primary circumstance, methinks, I see the destiny of America embodied in the first PURITAN who landed on these shores, just as the human race was represented by the first man."

"If we wished," says Chevalier, "to form a single type, representing the American character of the present moment as a single whole, it would be necessary to take at least three fourths of the Yankee race and to mix it with hardly one fourth of the Virginian."

But the Virginia type was not complete when it first appeared on the coast of Jamestown, and I must not omit, before bringing these remarks to a conclusion, to allude to one other element of any just comparison between the two colonies. The year 1620 was unquestionably the great epoch of American destinies. Within its latter half were included the two events which have exercised incomparably the most controlling influence on the character and fortunes of our country. At the very time the *Mayflower*, with its precious burden, was engaged in its perilous voyage to Plymouth, another ship, far otherwise laden, was approaching the harbor of Virginia. It was a Dutch man-of-war, and its cargo consisted in part of *twenty slaves*, which were subjected to sale on their arrival, and with which the foundations of domestic slavery in North America were laid.

I see those two fate-freighted vessels, laboring under the divided destinies of the same nation, and striving against the billows of the same sea, like the principles of good and evil advancing side by side on the same great ocean of human life. I hear from the one the sighs of wretchedness, the groans of despair, the curses and clankings of struggling captivity, sounding and swelling on the same gale, which bears only from the other the pleasant voices of prayer and praise, the cheerful melody of contentment and happiness, the glad, the glorious "anthem of the free." O, could some angel arm, like that which seems to guide and guard the Pilgrim bark, be now interposed to arrest, avert, dash down, and overwhelm its accursed compeer! But it may not be. They have both reached in safety the place of their destination. Freedom and Slavery, in one and the same year, have landed on these American shores. And American liberty, like the Victor of ancient Rome, is doomed, let us hope not forever, to endure the presence of a fettered captive as a companion in her Car of Triumph!

*Gentlemen of the New England Society in the city of New York*, — I must detain you no longer. In preparing to discharge the duty, which you have done me the unmerited honor to assign me in the celebration of this hallowed Anniversary, I was more than once tempted to quit the narrow track of remark which I have now pursued, and to indulge in speculations or discussions of a more immediate and general interest. But it seemed to me, that if there was any day in the year which belonged of right to the past and the dead, this was that day, and to the past and the dead I resolved to devote my exclusive attention. But though I have fulfilled that resolution, as you will bear me witness, with undeviating fidelity, many of the topics which I had proposed to myself seem hardly to have been entered upon, — some of them scarcely approached. The principles of the Pilgrims, the virtues of the Pilgrims, the faults of the Pilgrims — alas! there are enough always ready to make the most of these: — the personal characters of their brave and pious leaders, Bradford, Brewster, Carver, Winslow, Alden, Allerton, Standish, — the day shall not pass away without their names being once at least audibly and honorably pronounced: — the gradual rise and progress of the colony they planted, and of the old Commonwealth with which it was early incorporated: — the origin and growth of the other colonies, Rhode Island, Connecticut, New Hampshire, and the rest, which were afterwards included within the limits of New England, and many of the sons of all of which are doubtless present here this day: — the history of New England as a whole, its great deeds and great men, its schools and scholars, its heroes and battle-fields, its ingenuity and industry, its soil, — hard and stony, indeed, but of inestimable richness in repelling from its culture the idle, the ignorant, and the enslaved, and in developing the energies of free, intelligent, independent labor: — the influences of New England abroad as well as at home, its emigration, ever onward, with the axe in one hand and the Bible in the other, clearing out the wild growth of buckeye and hickory, and planting the trees of knowledge and of life, driving the buffalo from forest to lake, from lake to prairie, and from prairie to the sea; till the very memory of its existence would seem likely to be lost,



but for the noble City which its pursuers, pausing for an instant on their track, have called by its name, and founded on its favorite haunt:—these and a hundred other themes of interesting and appropriate discussion, have, I am sensible, been quite omitted. But I have already exhausted your patience, or certainly my own strength, and I hasten to relieve them both.

It has been suggested, Gentlemen, by one of the French travellers, whose opinions I have just cited, that, though the Yankee has set his mark on the United States during the last half century, and though "he still rules the nation," that yet, the physical labor of civilization is now nearly brought to an end, the physical basis of society entirely laid, and that other influences are soon about to predominate in rearing up the social superstructure of our nation. I hail the existence of this Association, and of others like it in all parts of the Union, bound together by the golden cords of "friendship, charity, and mutual assistance," as a pledge that New England principles, whether in ascendency or under depression in the nation at large, will never stand in need of warm hearts and bold tongues to cherish and vindicate them. But, at any rate, let us rejoice that they have so long pervaded the country and so long prevailed in her institutions. Let us rejoice that the basis of her society has been laid by Yankee arms. Let us rejoice that the corner-stone of our republican edifice was hewn out from the old, original, primitive, Plymouth quarry. In what remains to be done, either in finishing or in ornamenting that edifice, softer and more pliable materials may, perhaps, be preferred,—the New England granite may be thought too rough and unwieldy,—the architects may condemn it,—the builders may reject it,—but still, still, it will remain the deep and enduring foundation, not to be removed without undermining the whole fabric. And should that fabric be destined to stand, even when bad government shall descend upon it like the rains, and corruption come round about it like the floods, and faction, discord, disunion, and anarchy blow and beat upon it like the winds,—as God grant it may stand forever!—it will still owe its stability to no more effective earthly influence, than, **THAT IT WAS FOUNDED ON PILGRIM ROCK.**

## THE INFLUENCE OF COMMERCE.

AN ADDRESS, DELIVERED BEFORE THE BOSTON MERCANTILE LIBRARY ASSOCIATION, ON THE OCCASION OF THEIR TWENTY-FIFTH ANNIVERSARY, OCTOBER 15, 1845.

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MR. PRESIDENT AND GENTLEMEN OF THE MERCANTILE LIBRARY ASSOCIATION,—

I AM greatly honored by the part which you have assigned me on this occasion, and by thus being permitted to add my name to the list of distinguished persons who have addressed you at your anniversary celebrations. John Davis, George Putnam, Rufus Choate, Edward Everett,—I need name no more of them to justify me in saying, that any one may feel proud at being called on to follow in such footsteps. I need name no more of them, certainly, to warrant me in adding, that no one can fail to feel some touches, also, of a less welcome and less inspiring emotion than that of pride, as he finds himself rising to tread in such tracks, and begins to realize, by something of a practical experiment, the full measure of the strides before him. It is grateful to remember at such a moment, that I am any thing but a volunteer in your service, and that there are those present who can bear witness, how gladly I would have been excused again, as more than once in years past, from encountering its perilous contrasts. And now, in complying at last with your kind solicitations, I propose to enter upon no labored discussion of formal topics, but rather conforming myself to the spirit of an anniversary and an introductory address, as well as to what I understand to be your own expectations and wishes this evening, to find the subject of my remarks in the circum-

stances of the occasion, and in the character of the institution before me.

You have arrived, Gentlemen, at a marked epoch in your history. You are assembled to commemorate your Twenty-Fifth Anniversary. A quarter of a century has passed away since, at a little meeting held at the Commercial Coffee House in this city, under the lead of a gentleman, whose name has been honorably connected with more than one of our most valued institutions, as well as with repeated terms of popular and efficient administration of the chief magistracy of our city, (Mr. Theodore Lyman,) your association took its rise. Your progress was for many years slow. The excellent report of your last board of directors exhibits a record of early trials and struggles, such as no institution, not founded upon the *rock* of true principle and real merit, could have survived. It points, indeed, to more than one period in your history, when you found it all but impossible to maintain your organization, and when you had little more than a name to live. The persevering energy of some of your early members, however, has not been unrewarded in the end. Within a few years past all obstacles to your advancement have been overcome. Large additions have been made to your funds, to your library, and to your numbers, now amounting to nearly eight hundred; and you have given a fresh pledge, within a few months past, that your institution shall be sustained and perpetuated, by asking and accepting a charter from the Commonwealth. At the close, then, of a quarter of a century since the date of your original organization, you have assembled here to-night, in the enjoyment of every circumstance, both of prosperity for the present and of hope for the future, and in the presence of this crowded company of patrons and friends, to celebrate your first anniversary as an incorporated association.

I congratulate you, gentlemen, most cordially on this consummation. I congratulate this community, that your association has outlived the discouragements and embarrassments of its infancy, and has at length taken its place among the public and permanent institutions of our city. A legislative charter has of itself, indeed, added little to your claims to consideration. In

some quarters, it may rather be thought to have rendered you an object of suspicion, jealousy, and odium; though I think it would puzzle the sturdiest decrier of corporations to put his finger upon the clause in your charter, which clothes you with powers formidable to any thing, but idleness, ignorance, and vice. But it has certainly furnished you with facilities for self-government, and for the management and transmission of property, and for setting a just limit to the responsibility of your members, and for securing a just accountability for the bounty of your benefactors, which cannot fail to exert a most auspicious influence on your future condition and progress. And may it not be hoped, as among its incidental advantages, that it may have armed you thus early against prejudices, which may, at any time or under any influences, seek to get possession of your minds, in reference to a species of social machinery, which has been, in my judgment, more potent than power-loom or steam-engine, in advancing the best interests of society? May it not be hoped, that your early enlistment in the ranks of a chartered company, may impress you indelibly with the true idea, that though, according to the musty and moth-eaten maxim of the law, corporations may have no souls, those who constitute them have; and that they are entitled to be judged, in their corporate as well as in their individual capacity, by their designs, their objects, and their acts?

Your designs, Mr. President and Gentlemen, are inscribed, in brief but comprehensive terms, on the face of your charter. You have been made a corporation "for the purpose of diffusing and promoting knowledge among young men, (including all from fourteen years of age upwards,) now engaged in, or destined for, the mercantile profession;" and while you are faithful to such ends, you cannot fail to meet with the respect, the encouragement, the cordial approbation and support of all good men. For myself, certainly, in whatever light I look at such an association, whether in regard to the present circumstances or the future pursuits of those who compose it, its interest and importance seem hardly susceptible of exaggeration.

I see in it, in the first place, an instrument of unspeakable profit and preservation — intellectual profit and moral preserva-

tion—to vast numbers of *young men*, who in successive years shall be enrolled among its members. I see gathered nightly in its halls, within well-stored alcoves, and around tables spread with whatever can nourish the intellect or stimulate the soul of man—a feast “which, after, no repenting draws”—those who might otherwise be led away by the temptations of profligacy or crime. The fresh and unstained country boy, sent out in the first flush of his young heart from the parental home, to encounter the contaminations of a great city as he may, with a hope which has no horizon short of gaining the whole world, but without a thought of the peril of losing his own soul; the young lad of yet sadder fortune, to whom, in the providence of God, there remains no parental home, no precious influence of a father’s or a mother’s eye, beneath which he may shelter himself after the toil of to-day is over, and gather fresh strength for the trials and temptations of to-morrow; and those whom a hundred other nameless peculiarities of condition or of temperament may render the ready victims of the snares that lie concealed, or of the pitfalls that gape openly, at the corners of every street of a crowded metropolis like this;—I see them all, not merely drawn off from their exposure to evil, but provided with the means of innocent recreation and valuable improvement.

If there be a class of institutions more important than any or all others, to the moral character of our community, it is that which furnishes entertainment and employment during the evenings—the long winter, and the short summer evenings, too—for young men; and more especially for those, who either have no homes to which they may resort, or for whom the influences of the paternal roof have been in any way paralyzed. Libraries and reading-rooms for the merchants’ clerks and the mechanics’ apprentices of our city, numerous enough and spacious enough to accommodate them all, and furnished with every temptation which the amplest endowments can supply;—these are among the most effective instruments which can be devised, for advancing our highest moral and social interests, and are entitled to the most liberal encouragement of all true philanthropists. It is not enough, that the tippling-shops and gambling-tables are broken up. There is mischief still for idle

minds to devise, and for idle hands to do. Innocent entertainment and useful occupation must be supplied, and supplied with some circumstance of interest and attraction and fascination, if possible, or you have only driven dissipation and vice from the public haunt to the private hiding place, where they will lose nothing of their grossness or their guilt, by losing all their apprehension of exposure. And when the cheering spectacle is exhibited of the young men of the city, associating themselves for this great end of their own self-defence; organizing themselves, not into a company, like that recently instituted by the merchants' clerks of London, for making up to their employers out of a common stock, the losses which may result from their own annual, ascertained, average of fraud and roguery, but into a company to insure themselves against the vices and immoralities and idleness from which those losses and those frauds flow as from their fountain,—what heart can refuse them its sincerest sympathy, what tongue its most encouraging word, what hand its most efficient aid!

If there be an appeal for sympathy and encouragement which no patriotic or philanthropic breast can resist, it is that of young men struggling against the temptations which beset their path, and striving to prepare themselves, intellectually and morally, for discharging the duties which are about to devolve on their maturer life. And if there be a spectacle calculated to fill every such breast with joy, and to reward a thousand-fold those who may have contributed in any way to the result, it is that of young men who have thus striven and struggled with success. There is a name in history. It is associated with some of the proudest achievements of the proudest empire in the world. It has been shouted along the chariot ways of imperial Rome on occasions of her most magnificent triumphs. Whole volumes have been filled with the brilliant acts which have illustrated that name in three successive generations. But there is a little incident which takes up hardly ten lines on the historic page, which has invested it with a charm higher and nobler than all these. The Sybils, we are told, had prophesied that the *Bona Dea* should be introduced into Rome by the best man among the Romans. The Senate was accordingly busied to pass judg-

ment who was *the best man in the city*. And it is no small tribute to the Roman virtue of that day, that all men are said to have been more ambitious to get the victory in that dispute, than if they had stood to be elected to the highest and most lucrative offices and honors within the gift of the Senate or the people. The Senate at last selected PUBLIUS SCIPIO ; of whom the only record is, that he was the nephew of Cneus, who was killed in Spain, and that he was a *young man*, who had never attained to that lowest of all the public honors of the empire, for which it was only necessary for him to have reached the age of two-and-twenty years. We may admire — we must admire — the resistless energy, the matchless heroism, of those two thunderbolts of war — Scipio, the conqueror of Hannibal, and Scipio, the destroyer of Carthage. But who does not feel that this little story has thrown around that name a halo of peerless brilliancy ; yes, one

Which shall new lustre boast,  
When victors' wreaths and monarchs' gems  
Shall blend in common dust !

But I proposed to speak of your Institution in its relations rather to the future pursuits, than to the present circumstances, of those of whom it is composed. I see before me and around me, as its members, *the future merchants of Boston* ; those, who in the progress of time, are to take the places of the intelligent, the enterprising, the wealthy and honorable men, who now carry on the vast foreign and domestic trade of this great commercial emporium. To take the places which have been filled by the past and present merchants of Boston ! How much, Mr. President, is included in this idea ! How much of solemn responsibility for you and your associates ; how much of deep concern and momentous import to the prosperity and honor of our beloved city ! Let us pause, before passing to less local and limited views, and reflect for a few moments on the influence which has been exerted by commerce, and by those who have been engaged in commerce, on the fortunes and character of the pleasant place, in which we all thank God this night and every night of our lives, I trust, that our lots have been cast.

The site of our City seems originally to have been selected with no particular reference to commercial advantages. Other thoughts than those of trade engrossed the attention of the first settlers of Boston. They sought security from the mingled political and ecclesiastical oppressions of the old world, and a refuge for the enjoyment of civil and religious liberty. These they could find nowhere but in the wilderness of this new Hemisphere; but having sought them and found them here, all other matters were, at the outset, certainly, comparatively indifferent to them. On what precise spot of this vast solitude,—“all before them, where to choose,”—they should plant themselves, mattered little, save as their immediate safety and sustenance and quiet might be affected; and by these considerations, far more than by any larger views of future advantage or aggrandizement to themselves or their posterity, they seem to have been governed in the selection of that spot.

They desired safety from the assaults of merciless savages. Hence they would not go far into the interior, where they might be surrounded and cut off. They desired to be as near as three thousand miles of perilous and pitiless ocean would allow them to be, to the dear friends and families from whom they had just been sadly separated in England; to be where they could readily receive and welcome and embrace those who might still be moved to come over and join them, and where they might hear as often and as early as possible from those who might continue to stay behind. The many necessities of food and clothing, too, which must still be supplied them from abroad, would add a yet stronger link to the considerations which thus chained them to the coast.

There were some necessities of life, however, which must be furnished on the spot, or not at all. One of these was fresh water to drink. And strange as it strikes us in these days, when it would seem impossible—nay, when it is impossible—for the thirst of our people to be palatably or wholesomely slaked from day to day, unless Long Pond, or Spot Pond, or Charles River, be brought bodily into our midst, and when we are likely to suffer the tortures of Tantalus until conflicting interests and discordant opinions have fought themselves into a state of recon-



ciliation or compromise, — strange, I say, as it appears at such a moment, it was the fresh water, and not the salt water, advantages of the situation, which determined the locality of our city. “An excellent spring of water” is recorded — and I cannot but wish that it still existed somewhere else than on the ancient records — as among the most prominent causes for planting Boston upon this peninsula; while not a word is said of yonder capacious and noble harbor.

Other views, more or less capricious, entered into the choice of a location. “Governor Winthrop, (we are informed by Captain Clap,) purposed to set down his station about Cambridge, or somewhere on the river; but viewing the place, he liked that *plain neck*, that was then called Blackstone’s neck.” And Wood, in his *New England Prospect*, would seem to imply that our fathers might have been influenced by their desire to obtain security from other foes besides the Indians, — when he enumerates, with so felicitous an example of the climax, among the principal recommendations of this “plain neck,” its singular exemption from those three great annoyances, “wolves, rattlesnakes, and mosquitos!”

At any rate, the idea of founding a great commercial metropolis was not in all the thoughts of the first planters of Boston. And yet within a very few years from its original settlement the commercial destiny of the place was shaped and determined. Indeed, I can hardly consider as any thing less than a clear foreshadowing of that destiny, — if rather it were not the first step in its fulfilment, — the building and launching on the Mystic river, by Governor Winthrop himself, in 1631, within one year from the day from which the existence of our city bears date, of the first Boston vessel. A little bark of only thirty tons though it was, yet called the *Blessing of the Bay*, and launched on the fourth day of July, it seems a beautiful archetype of those countless blessings of the Bay, which were to be witnessed and enjoyed here, when the commerce of Boston should have had time to establish and expand itself, and when another and more memorable, far distant but even then inevitable and almost foreseen, Fourth of July, should have thrown over that commerce, — never, I trust, to be furled or rent in

twain, — the glorious banner of a free, independent, and united Republic!

Certainly, Gentlemen, almost from that early day, the history of the rise and progress of our city is the history of the rise and progress of its commerce. For the first few years, indeed, the trade of the place was confined principally to a little barter with the natives for furs and skins. And for some years afterwards, the records of mere mercantile transactions are overlaid by the more important registration of the establishment of towns and churches and schools, of fundamental laws, and the tribunals for their administration and execution. As early as 1633, however, we find mention of the building of another ship of twice the burden of the first; and in 1634 we hear of John Cogan setting up the first shop on the peninsula, who thus, perhaps, may be entitled to be remembered as the first Boston merchant. In 1639, we learn that the ship-builders and fishermen of this and the neighboring settlements of the colony, had become so numerous and of such importance in the estimation of the people, as to be made the subject of a special exemption from what our fathers, in their ignorant simplicity, considered as among the most imperative of their civil and Christian duties — *military trainings*. And in the same year, we catch another most interesting glimpse of the operations of our growing trade, in a complaint solemnly considered by the General Court, against alleged oppression in the sale of foreign commodities; when Mr. Robert Keayne, who kept a shop in Boston, — (who will be remembered, perhaps, as the first commander of the Ancient and Honorable Artillery Company, and who has secured for himself a less enviable notoriety as the author of a Will which occupies no less than one hundred and fifty-seven pages on our Probate records,) — having been convicted of taking in some cases above sixpence in the shilling profit, in some above eight-pence, and in some small things above two for one, was adjudged to pay a penalty of two hundred dollars!

On this occasion, the Church, as well as the State, has left record of its views of commercial matters. Not only was Captain Keayne subjected to the censure of the ecclesiastical synod, but Mr. Cotton, the ever-honored pastor from whose residence at

Boston, in Lincolnshire, our city derived its name, laid open in the most solemn form, on the next lecture day, the error of the principles upon which Captain Keayne had attempted to justify his extortion, and gave sundry special directions for the conscientious conducting of mercantile business. The most important principle of commercial dealing which was condemned from the pulpit on that occasion as *false*, was, "that a man might sell as dear as he can, and buy as cheap as he can;" while it was prescribed as one of the positive rules of trade, that "where a man loseth by casualty of sea, it is a loss cast upon himself by Providence, and he may not ease himself by casting it on another; for so a man should seem to provide against all providences, so that he should never lose." The first of the preacher's doctrines soon after received a practical illustration and enforcement, in the case of a mechanic, who for asking an excessive price for a pair of stocks which he had been hired to frame for the purposes of justice, had the honor to sit in them the first hour himself!

I need not say, Mr. President, that it could not have been by 'recking the rede' of that day's lecture, that the commerce of Boston continued to advance. But most rapid progress it certainly made, as we find ample evidence in the facts, that before the year 1645, more than two hundred years ago, a ship of over 400 tons was no stranger to our shipwrights; and that in the course of this single year we hear of the arrival of twelve or fourteen large ships bringing stores of linens, woollens and other commodities from London, and carrying back in part payment, more than 20,000 bushels of corn. Concurrent testimony is found, also, in the quaint but significant expressions of Edward Johnson, who tells us, in his *Wonder-Working Providence*, that "our maritan towns began to increase roundly, especially Boston, the which of a poor country village, in twice seven years is become like unto a small city, and is in election to become mayor town suddenly, chiefly increased by trade by sea."

I may not take up more time in describing the gradual stages by which our city has advanced to the condition in which we now find it. Nor is any such description necessary to substantiate the well-understood fact, that in all periods of its history, commerce has been the grand and leading element of its prosperity

and progress. Indeed, if there were no historical records to appeal to, it would require but a glance at Boston as it was, to convince any one, that nothing but the most judicious, enterprising, and fortunate improvement of commercial advantages could have made it what it is. What but Commerce, gathering about itself those mechanic arts which are its indispensable and honored handmaids, could have converted into such a crowded scene of life and labor as we see around us, that old *plain neck*, which was but six hundred acres in extent, when it was purchased of William Blackstone for thirty pounds, and which even now, when as many more acres have been redeemed from the sea and added to its dimensions, is still hardly larger than an ordinary Western farm! Agriculture, it is plain, could have found no elbow-room for swinging a scythe here; while as to manufactures, the only motive power to turn a spinning-wheel, within the reach or the knowledge of our fathers, was one, which, without any disparagement to its magic influence either in that day or this, whether in a glass slipper or a prunella boot, could scarcely have rocked out the destiny of a great city.

There is little risk in asserting, though I have not been able precisely to verify the fact, that in territorial dimensions, Boston is one of the very smallest incorporated cities in the world. In the order of population, there are nearly a hundred cities which stand before it. What place it holds on the scale of intelligence and influence and reputation and honor at home and abroad, it may not become us to pronounce. It is a city set on a hill — yes, on three hills; it cannot be hid. Let others praise us and not our own mouths, — strangers, and not our own lips. Yet we may not shut our eyes to the fact, that in view of its mercantile relations, it is already the second city on the American continent, and hardly below the fourth, certainly not below the fifth, on the face of the globe. Nor may we be blind to the operation of commercial causes, which, if not frustrated by want of intelligence and enterprise, seem to promise, that the rapidity of its progress in time past, shall bear but the same proportion to that in time to come, which the velocity of the creaking and trundling wagons which were so lately its only vehicles of inland transportation, bears to that of the gigantic engineering, which is

now shooting along our highways at every hour of the day and from every quarter of the compass, with a whistle like that of Roderick Dhu, and with a tramp heavier than that of any host of armed men which that whistle ever mustered either to the feast or to the fray!

In preparing yourselves, then, Mr. President and Gentlemen, to take the places of the merchants of Boston, you are preparing yourselves to carry on that great business which has made our city almost all that it is, and which must make it all that it is to be. Upon your intelligence and information, upon your energy and enterprise, upon your integrity and honor, it will in no small degree, under God, depend,—whether its course shall still be onward and upward, or whether, when the present generation shall have passed away, it shall begin to follow the fortunes of other commercial cities, once the renowned of the world, whose merchants were princes and their traffickers the honorable of the earth, but which have now a name and a place only in history.

But I have alluded thus far, Mr. President, to the least and most inconsiderable part of what is implied in the idea of taking the places of the past and present merchants of Boston. You are to take their places not merely as merchants, but as men; not merely in conducting commerce, but in sustaining character; not merely in accumulating the aggregate wealth which is to swell the importance of Boston in the columns of a statistical table, but in the possession and use of that individual wealth of which this aggregate is made up, and on the manner of whose employment the truest glory of our city must always in so great a degree depend. What has given us our noblest distinction as a community in time past? To what page of our history do we point with the liveliest and justest pride? By what record would we be most willing to be judged this night, of men or of angels? That, beyond all question, which contains the account current of our public and private charities. That, beyond all question, so recently and admirably summed up by a late distinguished mayor of our city, (Mr. Eliot,) which exhibits the long catalogue of those munificent donations by

which the great interests of education, morality, and religion have been sustained and promoted at home and abroad; by which almost every want of suffering humanity is supplied or alleviated; by which, in all but the miraculous sense which may be attributed to God alone, the blind receive their sight, the lame walk, the deaf hear, and the poor have the gospel preached unto them.

And from whence has this munificence proceeded? From whom have these princely endowments come? To what profession or calling in life belonged, or still belong, the great majority of those whose names are inscribed on so many of our halls and hospitals and asylums and athenæums and chapels, — on the professorships of our colleges, the lectures of our institutes, the prizes of our common schools? Who was that **PETER FANEUIL**, whose name is written where it will be remembered, if not as long as the sun and the moon shall endure, yet certainly as long as a single star of our own constellation shall be left, to guide the worshippers of American liberty to its cradle? Who were **John McLean**, **Samuel Eliot**, **James Perkins**, **Israel Thorndike**, **Samuel Parkman**, **John Lowell, Jr.**, **John Parker**, **Benjamin Bussey**, **Israel Munson**, and a host of others among the dead? I may not violate the proprieties of such an occasion, by asking in what profession are enrolled the names of men no less distinguished by their munificence, but still living in our midst, and some of them present here with us to-night. Yet you would not forgive me, gentlemen, nor could I excuse it to myself, were I to omit a more distinct allusion to the latest and largest benefactor of your own association; one, whose liberality within the past year has more than doubled your pecuniary resources; one, by whose encouragement you are now cherishing the hope, that those resources may soon be relieved from the exhausting load of a large annual rent, and that no distant day may find you engaged, as your sister association of Philadelphia has but now been, in dedicating a hall of your own. **THOMAS HANDASYD PERKINS**, however, I need not say, depends on no acts of liberality or words of encouragement to this association, for his title to the affection and admiration of us all. To a long life of unsurpassed commercial enterprise and honor, he has

seemed to add a second life of equally unsurpassed benevolence and munificence.

"For his bounty,  
There is no winter in 't; an autumn 'tis  
That grows the more by reaping."

You will all join me in wishing, that he may have a safe and speedy voyage on his return to his native land; and that he may still live long to enjoy the respect and veneration he has so richly earned.

I would not be understood, Mr. President, in any spirit of indiscriminate eulogy, to ascribe to the merchants of Boston, past, present, or to come, an undivided and exclusive possession of that most excellent gift of charity. They would scorn to lay claim to any monopoly of benevolence. The charity of the heart, they remember, as we all do, is not to be measured by moneyed contributions. They do not forget *who* pronounced the widow's mite to be more than all the gifts of the rich men. They do not forget where it is implied, that a man may bestow all his goods to feed the poor, yet have not charity. They would be the last to deny that their brethren of all other occupations, and their sisters too, have contributed, always according to their means, to every object which has justly appealed to the general sympathy and succor. But we all know, that the full hand must be united with the generous heart, that an ample fortune must be combined with benevolent impulses, for the accomplishment of those signal acts of humanity which have given a character to our community. And for this union of disposition and ability, for this rare combination of wealth and will, it seems plain to me, that we must look in time to come, as we have done in time past, to the successful merchants of our city.

Indeed, whether we are to judge by the experience of the past, or by the nature of things, it may be safely said, that the great private fortunes of our country are to be almost entirely the fruit of mercantile enterprise. Agriculture may always look with confidence for an honorable remuneration for its toils. It may thank God, that to it has been granted the blessing for

which the pious man prayed, — neither poverty nor riches. It may read, we may all read, something more and better than a curse, in the doom which has declared to the tiller of the soil — “in the sweat of thy brow, thou shalt eat bread.” The honest yeoman of our land, indeed, can find no fitter terms for his song of joy, as he goes forth to his labor in the morning, or plods his wearier way homeward at night, than those well-remembered words of Poor Richard :

“He that by the plough would thrive,  
Himself must either hold or drive.”

He may rejoice — we may all rejoice, that so little temptation is held out to accumulated capital to turn to agriculture for profit; to add acre to acre, and field to field, for mere investment; and thus to break up that system of small, subdivided proprietorship, which constitutes at once the true independence of our farmers, and the best security for our freedom.

The Mechanic Arts will not fail of “a fair day’s wage for a fair day’s work,” as long as our government shall not repudiate one of its great original debts, by being false to the protection of its own industry.

The larger Manufactures of modern times, may, for a few years longer, now and then, by fits and starts, make dividends large enough to be a nine days’ wonder, and to provoke the jealousy of those who can see nothing but their own losses in other people’s gains, or who do not scruple to avow a deeper interest in the welfare of Old England, than of New, — of Manchester and Liverpool, than of Boston and Lowell. But when once permanently established, and placed beyond the peradventure of Presidential elections and Congressional majorities, the common laws of supply and demand, and the levelling influences of an unrestricted domestic competition, will leave little margin in the balance of their accounts, for the notes of exclamation either of envy or of wonder.

To commercial pursuits alone, seem to belong permanently those elements of enterprise, adventure, and speculation, which furnish opportunities for great gains, — those tides, “which taken



at the flood lead on to fortune." The merchant has, indeed, no Midas touch. The same course of trade which enriched one man to-day, may ruin another to-morrow. A few dollars, earned on a Commencement day, by ferrying passengers over Charles River when there was no bridge, shipped to Lisbon in the shape of fish, and from thence to London in the shape of fruit, and from thence brought home to be reinvested in fish, and to be reëntered upon the same triangular circuit of trade, laid the foundations of the largest fortune of the day, a hundred years ago. Yet many a man has plied a ferryboat over Charles River, before and since, and died without an *obolus* to discharge his own fare over the Styx. Great losses, as well as great gains, may await the best concerted schemes of foreign or domestic trade; and more of you, my young friends, will be called on to endure the reverses, than to improve the successes of mercantile life. It has been calculated, that out of every hundred persons who have engaged in mercantile business in our own city, not less than ninety-five have failed at least once, during a term of forty years. And noble examples are within the remembrance of us all, of the manner in which such reverses should be met; examples, which have recently shed a fresh lustre over the mercantile character of our city; examples, beneath whose brilliant light, it may be hoped that any spirit of fraud or concealment which may still be lurking in any breast within the reach of its rays, may be changed and purified, before the touch of misfortune shall have revealed it, and

"Like the stained web, which whitens in the sun,  
Grow pure by being purely shone upon!"

But the remark is still true, Mr. President, that the great private fortunes of the country are to be hereafter, as they certainly have been heretofore, the fruit of successful commerce; and that the influences of accumulated wealth are to be wielded, in most cases, by members of the *mercantile profession*. Yes, gentlemen, in succeeding to the places of the merchants of Boston, you are to become responsible for the exercise of that vast social power, on which the comfort and happiness and prosperity and even bread of so many thousands of your fellow-citizens will depend.

It will be yours, especially, to decide, whether that stream of public and private charity, which has so long made glad and glorious the city of our pride, shall flow on in its beauty and its strength for another generation; or whether it shall presently be absorbed in the stagnant pool of avarice, or be diverted into the even more poisonous channel of a profligate luxury. Well may you prepare yourselves for the discharge of this high responsibility. Well may we all take an interest in your preparation. Well may all good men aid and encourage you in your efforts to acquire those enlightened views, those enlarged and liberal sentiments, that refined and elevated intelligence, that strong, clear, deep sense of moral and religious obligation, which good books, and well-spent evenings, and grave deliberations, and able and eloquent discourses, are calculated to impart; which shall lead you to regard wealth as mainly valuable as an instrument of philanthropy; which shall teach you the unworthiness of all other luxury compared with the "luxury of doing good;" which shall enable you to catch, if possible, something of the spirit of that great Athenian philosopher — himself, as we are told, a merchant in his youth — who regarded the hoarded treasures and gorgeous trappings of a Monarch whose name has come down to us as the very synonyme of unbounded wealth, as not to be named in comparison either with the patriotism of a humble citizen, who lived for his children and died for his country, or with the piety of those heroic young men, who, rather than the religion of their country should lack any of its appointed rites, hesitated not to put their own necks to the yoke, and to drag their priestess mother a distance of five and forty stadia to the temple, only to lay down their exhausted lives at the foot of the altar, and to mingle their expiring breath with a mother's prayers, in one sweet sacrifice to the gods whom they ignorantly worshipped!\*

I pass, Mr. President and Gentlemen, from these local topics, to a brief consideration of the pursuits for which you are preparing, in their larger and more comprehensive relations.

\* There are few more charming passages in ancient or modern history, than that in which Herodotus describes the interview between Solon and Cræsus, and in which the philosopher, on being asked by the Monarch who was the most enviable person he had ever known, is represented as having named, first, *Tellus the Athenian*, and next, the young *Cleobis and Biton*.

If one were called on to say, what, upon the whole, was the most distinctive and characterizing feature of the age in which we live, I think he might reply, that it was the rapid and steady progress of the influence of Commerce upon the social and political condition of man. The policy of the civilized world is now everywhere and eminently a commercial policy. No longer do the nations of the earth measure their relative consequence by the number and discipline of their armies upon the land, or their armadas upon the sea. The tables of their imports and exports, the tonnage of their commercial marines, the value and variety of their home trade, the sum total of their mercantile exchanges,—these furnish the standards by which national power and national importance are now marked and measured. Even extent of territorial dominion is valued little, save as it gives scope and verge for mercantile transactions; and the great use of colonies is what Lord Sheffield declared it to be half a century ago, “the monopoly of their consumption, and the carriage of their produce.”

Look to the domestic administration, or the foreign negotiation of our own, or any other civilized country. Listen to the debates of the two houses of the Imperial Parliament. What are the subjects of their gravest and most frequent discussions? The succession of families? The marriage of princes? The conquest of provinces? The balance of power?—No; the balance of trade, the sliding scale, corn, cotton, sugar, timber,—these furnish now the homespun threads upon which the statesmen of modern days are obliged to string the pearls of their parliamentary rhetoric. Nay, the Prime Minister himself is heard discoursing upon the duties to be levied upon the seed of a certain savory vegetable—the use of which not even Parisian authority has rendered quite genteel upon a fair day—as gravely, as if it were as true in regard to the complaints against the tariff of Great Britain, as some of us think it is true in reference to the murmurs against our own American tariff, that “all the tears which should water this sorrow, live in an *onion*!”

Cross over to the continent. What is the great fact of the day in that quarter? Lo, a convention of delegates from ten of the independent States of Germany, forgetting their old political

rivalries and social feuds, flinging to the winds all the fears and jealousies which have so long sown dragon's teeth along the borders of neighboring States of disproportioned strength and different forms of government, — the lamb lying down with the lion, — the little city of Frankfort with the proud kingdom of Prussia, — and all entering into a solemn league to regulate commerce and secure markets! What occupies the thoughts of the diplomatists, the Guizots, and Aberdeens, and Metternichs? Reciprocal treaties of commerce and navigation; — treaties to advance an honest trade, or sometimes (I thank Heaven!) to abolish an infamous and accursed traffic; — these are the engrossing topics of their protocols and ultimatums. Even wars, when they have occurred, or when they have been rumored, for a quarter of a century past, how almost uniformly has the real motive, whether of the menace or of the hostile act, proved to be — whatever may have been the pretence — not, as aforetime, to destroy, but to secure, the sources of commercial wealth. Algiers, Afghanistan, China, Texas, Oregon, all point more or less directly, to one and the same pervading policy throughout the world, — the policy of opening new markets, securing new ports, and extending commerce and navigation over new lands and new seas.

But, Mr. President, the most signal and most gratifying illustration of the predominating influence of commerce in the affairs of the world, is to be drawn not from the consideration of wars, but of *peace*. It is a common form of remark, that the protracted and general peace, which the world has of late enjoyed, has been the cause of that vast extension of commerce which is everywhere witnessed. And doubtless, there is much truth in the idea intended to be conveyed by it. Certainly, too, there has been, and always will be, much of action and reaction in these coinciding circumstances, and much to account for various readings in the assignment of cause and consequence. Yet I cannot but think that the time has at length fully come, when the mode of stating the relations between these great interests, should be changed; and when Commerce may fairly be considered as having substantiated its claim to that highest of all titles, *the great Conservator of the world's peace*, instead of being

represented as a helpless dependent on peace for the liberty of prosecuting its own pursuits.

Indeed, Commerce has, in all ages, been the most formidable antagonist of war. That great struggle for the mastery, which has been going on, almost from the earliest syllable of recorded time, upon the theatre of human life, and which has been variously described and denominated, according to the aspect in which it has been regarded, or the object with which it was discussed—now as a struggle between aristocracy and democracy, and now as between the few and the many—has been little more than a struggle between the mercantile and the martial spirit.

For centuries, and cycles of centuries, the martial spirit has prevailed. The written history of the world is one long bloody record of its triumph. And it cannot have escaped any one, that, during the periods of its sternest struggles, it has singled out the commercial spirit as its most formidable foe. Look at ancient Sparta, for example; the state which, more than any other, was organized upon a purely war principle; though, to the credit of its founder be it spoken, with the view of defending its own territories, and not of encroaching upon the dominions of others. What was the first great stroke of policy adopted by the Lacedæmonian lawgiver to secure the supremacy of the martial spirit? What did he primarily aim to accomplish by his extraordinary enactments in relation to food, currency, education, honesty, and labor of all sorts? A Lacedæmonian happening to be at Athens when the court was sitting, was informed of a man who had just been fined for idleness. "Let me see the person," exclaimed he, "who has been condemned for keeping up his *dignity*!" What was the philosophy of the black broth, the iron money, the consummate virtue of successful theft, the sublime dignity of idleness? It was the war system, entrenching itself, where alone it could be safe, on the ruins of commerce! The annihilation of trade, and all its inducements, and all its incidents,—the extermination of the mercantile spirit, root and branch,—this was the only mode which the sagacious Lycurgus could devise for maintaining the martial character of Sparta.

Plato, who knew something of the practical value of commerce, if it be true that it was by selling oil in Egypt, that he was enabled to defray the expenses of those travels and studies, by which he prepared himself to be one of the great lights of the world, bore witness to the wise adaptation of this policy to the end to be accomplished, when he declared that in a well-regulated commonwealth, the citizens should not engage in commerce, because they would be accustomed to find pretexts for justifying conduct so inconsistent with what was manly and becoming, as would *relax the strictness of the military spirit*; adding, that it had been better for the Athenians to have continued to send annually the sons of seven of their principal citizens to be devoured by the Minotaur, than to have changed their ancient manners, and become a *maritime power*.

It is this irreconcilable hostility between the mercantile and the martial spirit, which has led heroes, in all ages, to despise and deride the pursuits of trade, — from the heroes of the Homeric age of ancient Greece, with whom a pirate is said to have been a more respected character than a merchant, to him of modern France, who could find no severer sarcasm for his most hated foes, than to call them “a nation of shopkeepers.”

The madman of Macedonia, as he is sometimes called, but to whom, by one having occasion for military talents, might well have been applied the remark of George the Second, in reference to General Wolfe, that he wished, if Wolfe were mad, he could have bitten some of the rest of his generals, — after he had overrun almost the whole habitable earth, did indeed, in despair of finding any more dominions on the land to conquer, turn to the sea, to obtain fresh opportunity for gratifying his insatiate ambition. He projected a voyage for his fleet, from the Indus to the mouth of the Euphrates. Commercial views are sometimes regarded as having mingled with the ambition which prompted this undertaking. It has been called the first event of general importance to mankind in the history of commerce and navigation, and has been thought worthy of being commemorated on the page of its learned historian, by a medallion, on which the head of its heroic projector is illuminated by the proud inscription, “*aperiam terras gentibus.*”

Let us transport ourselves, Gentlemen, for an instant, to a region recently rendered familiar by the events of Affghanistan and Scinde, and, turning back the page of history for a little more than two thousand years, catch a glimpse of the character and circumstances of this memorable voyage.

Alexander, it seems, is at first sorely puzzled to find any one willing to assume the hazardous dignity of leading such an expedition. At length, Nearchus, a Cretan, is pressed into the service, and is duly installed as admiral of the fleet. Two thousand transports, and eighty galleys, of thirty oars each, are laboriously fitted out, and the hero accompanies them in person, in a perilous passage, down the Indus to the ocean. He approaches the mighty element not in that mood of antic and insolent presumption, which other madmen before and since have displayed on similar occasions. He throws no chains upon it, as Xerxes is narrated to have done, a century and a half earlier. He orders no host of spearmen to charge upon it, as Caligula did, three or four centuries afterwards. He does not even venture to try the effect of his imperial voice, in hushing its stormy billows, and bidding its proud waves to stay themselves at his feet, as Canute did, still a thousand years later. On the contrary, he humbles himself before its sublime presence, — he offers splendid sacrifices, and pours out rich libations to its divinities, and puts up fervent prayers for the success and safety of his fleet.

Nearchus is then directed to wait two months for a favorable monsoon. But a revolt of certain savage tribes in the neighborhood, compels him to anticipate its arrival, and he embarks and enters upon his voyage. At the end of six days, two of which, however, were passed at anchor, the fleet had advanced rather more than nine miles! After digging away a bar at the mouth of the Indus, a little more progress is made, and a sandy Island reached, on which all hands are indulged with a day's rest. Again the anchors are weighed, but soon again the violence of the winds suspends all operations; the whole host are a second time landed, and remain upon shore for four-and-twenty days. Once more the voyage is renewed; but once more the winds rage furiously; two of the galleys and a transport are

sunk in the gale, and their crews are seen swimming for their lives. A third time all hands disembark and fortify a camp. The long-expected monsoon at length sets in, and they start afresh, and with such accelerated speed, as to accomplish thirty-one miles in the first twenty-four hours. But then, a four days' battle with the natives, far more than counterbalances this unlooked-for speed. Soon after, however, a pilot is fallen in with, who engages to conduct them to the Persian Gulf. Under his auspices, they venture for the first time to sail by night, when they can have the benefit of the land breeze, and when the rowers, relieved from the heat of the sun, can exert themselves to better advantage. And now they are making almost twice as many miles in the twenty-four hours as before, when lo! a new trouble arrests their course. Strange columns of water are seen thrown up into the air before them. The explanation of the pilot, that they are but the sportful spoutings of a huge fish, only adds to their alarm. If such be his sport, what must his wrath be? All hands drop their oars in a panic! The admiral, however, exhorts them to dismiss their fears, and directs them, when a whale advances towards them, to bear down upon it bravely, and scare it from their path with shouts, and dashing of oars, and sounding of trumpets! The entrance of the Persian Gulf, a distance of about six hundred miles, is at length reached; the first and most difficult stage of the enterprise is accomplished; and the admiral, having hauled all his vessels ashore, and fortified them by a double intrenchment, proceeds to communicate the joyful tidings to his imperial master, who has kept along at no great distance from him on the coast, and they unite in offering the sacrifices of thanksgiving to Jupiter, Apollo, Hercules, Neptune, and I know not how many other deities of land, air, and ocean!

Such, Mr. President, is a summary sketch of this first event of general importance to mankind in the history of navigation; an event which, though its details may excite the laughter of a Nantucket or New Bedford whaleman, or even of a Marblehead or Barnstable sailor boy, was counted among the gravest and grandest exploits of that unrivalled hero of antiquity, who took Achilles for his model, and who could not sleep without Aristotle's



copy of the Iliad under his pillow. If any commercial views are justly ascribed to the projector of such an expedition, it furnishes an early and striking illustration of the idea, which the general current of history has since confirmed, that the mercantile and martial spirits were never to be the subjects of reconciliation and compromise, nor commerce destined to be seen yoked to the car, and decorating the triumph of military ambition. At all events, it supplies an amusing picture of the navigation of those early days, and shows how poorly provided and appointed was the mercantile spirit of antiquity for its great mission of civilization and peace. Transports and triaconters, skimming along the coast without a compass, and propelled by oarsmen who were panic-stricken at the spouting of a whale, were not the enginery by which commerce was to achieve its world-wide triumphs. And it was another Admiral than Nearchus, not yielding himself reluctantly to the call of an imperious sovereign, but prompted by the heroic impulses of his own breast, and offering up his prayers and oblations at another shrine than that of Jupiter or Neptune, who, in a still far distant age, was to open the world to the nations, give the commercial spirit sea-room, and lend the original impulse to those great movements of navigation and trade by which the whole face of society has been transformed.

Well might the mail-clad monarchs of the earth refuse their countenance to Columbus, and reward his matchless exploit with beggary and chains. He projected, he accomplished that, which, in its ultimate and inevitable consequences, was to wrest from their hands the implements of their ferocious sport, — to break their bow and knap their spear in sunder, and all but to extinguish the source of their proudest and most absolute prerogative.

“No kingly conqueror, since time began  
The long career of ages, hath to man  
A scope so ample given for *Trade's* bold range,  
Or caused on earth's wide stage such rapid, mighty change.”

From the discovery of the New World, the mercantile spirit has been rapidly gaining upon its old antagonist; and the establish-

ment upon these shores of our own Republic, whose Union was the immediate result of commercial necessities, whose Independence found its original impulse in commercial oppressions, and of whose Constitution the regulation of commerce was the first leading idea, may be regarded as the epoch at which the martial spirit finally lost a supremacy which, it is believed and trusted, it can never again acquire.

Yes, Mr. President, it is Commerce which is fast exorcising the fell spirit of war from nations which it has so long been tearing and rending. The merchant may, indeed, almost be seen at this moment summoning the rulers of the earth to his counting desk, and putting them under bonds to keep the peace! Upon what do we ourselves rely, to counteract the influence of the close approximation of yonder flaming planet to our sphere? Let me rather say, (for it is not in our stars, but in ourselves, that we are to look for the causes which have brought the apprehensions of war once more home to our hearts,) upon what do we rely, to save us from the bloody arbitrement of questions of mere territory and boundary, into which our own arbitrary and ambitious views would plunge us? To what do we look to prevent a protracted strife with Mexico, if not to arrest even the outbreak of hostilities, but to the unwillingness of the great commercial powers, that the trade of the West Indies and of the Gulf should be interrupted? Why is it so confidently pronounced, that Great Britain will never go to war with the United States for Oregon? Why, but that trade has created such a Siamese ligament between the two countries, that every blow which England could inflict upon us, would be but as a blow of the right arm upon the left. Why, but that in the smoke-pipe of every steamer which brings her merchandise to our ports, we see a *calumet of Peace*, which her war-chiefs dare not extinguish. Commerce, has, indeed, almost realized ideas which the poet, in his wildest fancies, assumed as the very standard of impossibility. We may not "charm ache with air, or agony with words;" but may we not "fetter strong madness with a cotton thread?" Yes, that little fibre, which was not known as a product of the North American soil, when our old colonial union with Great Britain was dissolved, has already been spun

by the ocean-moved power-loom of international commerce, into a thread which may fetter forever the strong madness of war.

Yet let us not,—let us not experiment upon its tension too far. Neither the influences of Commerce, nor any other influences, have yet brought about the day, (if indeed such a day is ever to be enjoyed before the second coming of the Prince of Peace,) when we may regard all danger of war at an end, and when we may fearlessly sport with the firebrands which have heretofore kindled it, or throw down the firearms by which we have been accustomed to defend ourselves against it. Preparation, I will not say, *for* war, but *against* war, is still the dictate of common prudence. And while I would always contend first, for that preparation of an honest, equitable, inoffensive, and unaggressive policy towards all other nations, which would secure us, in every event, the triple armor of a just cause, I am not ready to abandon those other preparations for which our constitution and laws have made provision. Nor do I justify such preparations only on any narrow views of state necessity and worldly policy. I know no policy, as a statesman, which I may not pursue as a Christian. I can advocate no system before men, which I may not justify to my own conscience, or which I shrink from holding up in humble trust before my God.

This is not the time or the place, however, for discussing the policy or the principle of military defences. I have only alluded to the subject, lest, in paying a heartfelt tribute to the pacific influences of commerce, I might seem to sympathize with views which would call upon Congress, at their coming session, to disband our army and militia, and dismantle our fortifications and ships of war, while Mexico is still mustering her forces upon the Rio Grande; while England may be concentrating her fleets upon the Columbia; and while Cherokees, and Seminoles, and Camanches, burning with hereditary hatred, and smarting under immediate wrongs, are ready to pounce upon the powerless wherever they can find them.

I honor the advocates of peace wherever they may be found; and gladly would I hail the day, when their transcendent principles shall be consistent with the maintenance of those organized

societies which are so clearly of Divine original and sanction ; the day, when

" All crimes shall cease, and ancient fraud shall fail,  
Returning Justice lift aloft her scale ;  
Peace o'er the world her olive wand extend,  
And white-rob'd Innocence from Heaven descend."

In the mean time, let us rejoice that the great interests of international commerce are effecting practically, what these sublime principles aim at theoretically. It is easy, I know, to deride these interests as sordid, selfish, dollar-and-cent influences, emanating from the pocket, instead of from the heart or the conscience. But an enlightened and regulated pursuit of real interests, is no unworthy policy, either on the part of individuals or nations, and a far-sighted selfishness is not only consistent with, but is often itself, the truest philanthropy. Commandments of not inferior authority to the Decalogue, teach us, that the love of our neighbor, a duty second only in obligation to the love of God, is to find its measure in that love of self, which has been implanted in our nature for no unwise or unwarrantable ends. Yet, Gentlemen, while I would vindicate the commercial spirit from the reproaches which are too often cast upon it, and hail its triumphant progress over the world as the harbinger of freedom, civilization, and peace, I would by no means intimate an opinion, that it is not itself susceptible of improvement, — that it does not itself demand regulation and restraint. The bigotry of the ancient Canonists regarded trade as inconsistent with Christianity, and the Council of Melfi, under Pope Urban the Second, decreed that it was impossible to exercise any traffic, or even to follow the profession of the law, with a safe conscience. God forbid, that while we scoff at the doctrine which would excommunicate commerce from the pale of Christianity, we should embrace the far more fatal doctrine, which should regard the principles of Christianity as having no place, and no authority in the pursuits of commerce ! The commercial spirit has rendered noble service to mankind. Its influence in promoting domestic order, in stimulating individual industry, in establishing and developing the great principle of *the division of labor* ; its ap-

appropriation of the surplus products of all mechanical and all agricultural industry for its cargoes; its demand upon the highest exercise of invention and skill for its vehicles; its appeal to the sublimest science for its guidance over the deep; its imperative requisition of the strictest public faith and private integrity; its indirect, but not less powerful operation in diffusing knowledge, civilization, and freedom over the world;—all conspire with that noble conquest over the spirit of war which I have described, in commending it to the gratitude of man, and in stamping it with the crown-mark of a divinely appointed instrument for good. As long as the existing state of humanity is unchanged, as long as man is bound to man by wants and weaknesses and mutual dependencies, the voice which would cast out this spirit, will come from the cloistered cells of superstition, and not from the temples of a true religion. But that it requires to be tempered, and chastened, and refined, and elevated, and purified, and Christianized, examples gross as earth and glaring as the sun, exhort us on every side.

Commerce diffuses knowledge; but there is a knowledge of evil as well as of good. Commerce spreads civilization; but civilization has its vices as well as its virtues. And is there not too much ground for the charge, that most of the trade with the savage tribes the world over, is carried on in a manner and by means calculated only to corrupt and degrade them, and even where it makes nominal proselytes to Christianity, to make them tenfold more the children of perdition than before? I look to the influence of associations like that before me, to aid in arresting this abuse, by elevating the views of those who are preparing to engage in mercantile business, above the mere pursuit of gain; and by impressing upon their hearts, while they are still open to impression, a deeper sense of responsibility for the conduct of civilized man, in those relations towards these ignorant and wretched beings which commercial intercourse creates. It cannot fail to have given joy to every benevolent bosom, to find the historian of the late Exploring Expedition, bearing such unqualified testimony to the character and services of the American Missionaries in the various savage islands which he visited; and it may be hoped, that the day is not far distant, when the

American merchant will be found everywhere coöperating in the noble efforts by which the triumphs of the Cross are yet to encircle the earth!

There is another stain upon the commercial spirit, of even deeper dye. I need not, in this presence, do more than name the African slave trade. Gentlemen, this flagitious traffic is still extensively prosecuted. Recent debates in the British Parliament would seem to show that it has of late been largely on the increase; and that the number of slaves now annually taken from the coast of Africa, is more than twice as great as it was at the commencement of the present century. Recent developments at Brazil, too, would seem to implicate our own American commerce, and even our own New England shipping, in "the deep damnation of this taking off." It is, certainly, quite too well understood, that American vessels, sailing under the American flag, are the favorite vehicles of the slave trader. No force of language, no array of epithets, can add to the sense of shame and humiliation which the simplest statement of such facts must excite in every true American heart.

Gentlemen, we naturally look to the organized forces of our National Government to suppress these abuses of our shipping and our flag, and we all rejoice in the recent negotiation of a treaty, in the highest degree honorable to our great Massachusetts statesman, by which their suppression will be facilitated. But neither the combined navies of Great Britain and the United States, nor of the world, can accomplish this work without other aid. The coöperation of commercial men; the general combination and *conspiracy*, if I may so speak, of all who go down to the sea in ships, or are in any degree connected with business on the great waters, — the merchants and merchants' clerks, the consignors and consignees, the captains, the supercargoes, the mates, and the common sailors alike; — these must come in aid of our armed squadrons, or the slave trade will still leave a stain upon commerce, which "not all great Neptune's ocean will wash clean," but which will rather "the multitudinous seas incarnadine!" If a New England or an American vessel be concerned in that traffic, there should be at least no Boston breast, and no Massachusetts breast, capable of contain-

ing the guilty secret. The commercial character, the moral character, of our City and of our Commonwealth should be vindicated on such an occasion, as they were just two hundred years ago, when one Thomas Keyser and one James Smith, (the latter a member of the church of Boston,) first involved these colonies in the iniquity of participating in the slave trade; and when, under the lead of Richard Saltonstall, (the ancestor of the late honored and lamented Leverett Saltonstall,) a cry was raised against them as malefactors and murderers;—a cry which could not be hushed, until the culprits had been “laid hold on,” and their wretched victims wrested from their clutches and remitted to their native shore. I charge you, young men, to commit yourselves early to this cause, and to make it a principle of your association, not merely that you will never participate directly or indirectly in such an ignominious traffic,—but that you will omit no opportunity which either any effort or any accident in after life may afford you, of exposing any one who may be concerned in it, to the public scorn and legal chastisement which he so richly merits.

Mr. President and Gentlemen, I may detain you and this distinguished audience no longer. I have endeavored to say something which should impress you with a deeper sense of the dignity of the profession which you have chosen, and of the duties and responsibilities which belong to it. I have desired, also, to suggest some views which should impress upon the community a just sense of the value of your institution, and of the importance of sustaining and encouraging it. May your brightest prospects be realized, and your best hopes fulfilled. May the liberality of your patrons and friends soon supply you with a Hall of your own, arranged with every reasonable reference to your accommodation in pursuing the preparation for which you are associated. Let it be supplied with a Library, which shall leave you nothing to desire in the way of useful knowledge or profitable entertainment. Let it be adorned, from time to time, with the portraits of those whose examples are worthy of your imitation; the Merchant-Patriots, who have written their own names upon the title-deeds of our Liberty;

and the Merchant-Philanthropists, whose names have been inscribed, by a grateful community, on the institutions by which that liberty is best supported and most worthily illustrated. Let it be dedicated to the cause of Freedom, Civilization, and Peace. But let each one who enjoys its opportunities and privileges remember, that halls, and libraries, and decorations, and dedications, are no substitute for his own individual efforts. Let him remember, that he has chosen a vocation which, in its highest branches, is a Science, with principles worthy of the deepest and most devoted study; and which, in all its branches, will reward the best preparation both of the intellect and of the heart. And may you all be inspired with the ambition, of securing for our own country and for our own city, so far as in you lies, some share in that noble tribute which was paid by the celebrated Montesquieu, a century ago, to the land of our Fathers:—“ They know (said he, speaking of the people of England) better than any other people upon earth, how to value, at the same time, these three great advantages, RELIGION, COMMERCE, and LIBERTY !”



## NATIONAL MONUMENT TO WASHINGTON.

AN ORATION DELIVERED AT THE SEAT OF GOVERNMENT, ON THE OCCASION  
OF LAYING THE CORNER-STONE OF THE NATIONAL MONUMENT TO WASH-  
INGTON, JULY 4, 1848.

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FELLOW-CITIZENS OF THE UNITED STATES,—

(WE are assembled to take the first step towards the fulfilment of a long-deferred obligation.) In this eight-and-fortieth year since his death, we have come together to lay the corner-stone of a National Monument to WASHINGTON.)

Other monuments to this illustrious person have long ago been erected. By not a few of the great States of our Union, by not a few of the great cities of our States, the chiselled statue or the lofty column has been set up in his honor. The highest art of the Old World,—of France, of Italy, and of England, successively,—has been put in requisition for the purpose. Houdon for Virginia, Canova for North Carolina, Sir Francis Chantrey for Massachusetts, have severally signalized their genius by portraying and perpetuating the form and features of the Father of his Country.

Nor has the Congress of the nation altogether failed of its duty in this respect. The massive and majestic figure which presides over the precincts of the Capitol, and which seems almost in the act of challenging a new vow of allegiance to the Constitution and the Union from every one who approaches it, is a visible testimony,—and one not the less grateful to an American eye, as being the masterly production of a native artist,\*—that

\* Horatio Greenough.

the government of the country has not been unmindful of what it owes to WASHINGTON.

One tribute to his memory is left to be rendered. One monument remains to be reared. (A monument which shall bespeak the gratitude, not of States, or of cities, or of governments; not of separate communities, or of official bodies; but of the people, the whole people of the nation;—a National Monument, erected by the citizens of the United States of America.

Of such a monument we have come to lay the corner-stone here and now. On this day, on this spot, in this presence, and at this precise epoch in the history of our country and of the world, we are about to commence this crowning work of commemoration.

The day, the place, the witnesses, the period in the world's history and in our own history—all, all are most appropriate to the occasion.

The day is appropriate. On this 4th day of July—emphatically the people's day—we come most fitly to acknowledge the people's debt to their first and greatest benefactor.

WASHINGTON, indeed, had no immediate connection with the immortal act of the 4th of July, 1776. His signature did not attest the Declaration of Independence. But the sword by which that independence was to be achieved, was already at his side, and already had he struck the blow which rendered that declaration inevitable.

*"Hostibus primo fugatis, Bostonium recuperatum,"* is the inscription on the medal which commemorates Washington's earliest triumph. And when the British forces were compelled to evacuate Boston, on the 17th day of March, 1776, bloodless though the victory was, the question was irrevocably settled, that Independence, and not the mere redress of grievances, was to be the momentous stake of our colonial struggle.

Without the event of the 4th of July, it is true, Washington would have found no adequate opening for that full career of military and civil glory which has rendered him illustrious forever. But it is equally true, that without Washington, this day could never have acquired that renown in the history of human liberty, which now, above all other days, it enjoys. We may

not say that the man made the day, or the day the man ; but we may say that, by the blessing of God, they were made for each other, and both for the highest and most enduring good of America and of the world.

The place is appropriate. We are on the banks of his own beloved and beautiful Potomac. On one side of us, within a few hours' sail, are the hallowed scenes amid which Washington spent all of his mature life, which was not devoted to the public service of the country, and where still repose, in their original resting-place, all that remained of him when life was over. On the other side, and within our more immediate view, is the Capitol of the Republic, standing on the site selected by himself, and within whose walls the rights which he vindicated, the principles which he established, the institutions which he founded, have been, and are still to be, maintained, developed, and advanced.

The witnesses are appropriate, and such as eminently befit the occasion.

The President of the United States is here ; and feels, I am persuaded, that the official distinction which he lends to the scene has no higher personal charm, if any higher public dignity, than that which it derives from its associations with his earliest and most illustrious predecessor. " I hold the place which Washington held," must be a reflection capable of sustaining a Chief Magistrate under any and every weight of responsibility and care, and of elevating him to the pursuit of the purest and loftiest ends.

Representatives of foreign nations are here ; ready to bear witness to the priceless example which America has given to the world, in the character of him, whose fame has long since ceased to be the property of any country or of any age.

The Vice-President and Senate ; the Heads of Departments ; the Judiciary ; the Authorities of the City and District ; the officers of the army and navy and marines, from many a field and many a flood of earlier and of later fame ; veterans of the line and volunteers, fresh from the scenes of trial and of triumph, with swords already wreathed with myrtles, which every patriot prays may prove as unfading as the laurels with which their

brows are bound;—all are here; eager to attest their reverence for the memory of one, whom statesmen and soldiers have conspired in pronouncing to have been first alike in peace and in war.

The Representatives of the People are here; and it is only as their organ that I have felt it incumbent on me, in the midst of cares and duties which would have formed an ample apology for declining any other service, to say a few words on this occasion. Coming here in no official capacity, I yet feel that I bring with me the sanction not merely of the representatives of the people, but of the people themselves, for all that I can say, and for much more than I can say, in honor of Washington.

And, indeed, the People themselves are here; in masses such as never before were seen within the shadows of the Capitol,—a cloud of witnesses—to bring their own heartfelt testimony to the occasion. From all the States of the Union; from all political parties; from all professions and occupations; men of all sorts and conditions, and those before whom men of all sorts and conditions bow, as lending the chief ornament and grace to every scene of life; the People,—as individual citizens, and in every variety of association, military and masonic, moral, collegiate, and charitable, Rechabites and Red Men, Sons of Temperance and Firemen, United Brothers and Odd Fellows,—the People have come up this day to the temple gates of a common and glorious republic, to fraternize with each other in a fresh act of homage to the memory of the man, who was, and is, and will forever be, “first in the hearts of his countrymen!” Welcome, welcome, Americans all! “The name of American, which belongs to you in your national capacity, (I borrow the words of Washington himself,) must always exalt the just pride of patriotism more than any appellation derived from local discriminations.”

Nor can I feel, fellow-citizens, that I have yet made mention of all who are with us at this hour. Which of us does not realize that unseen witnesses are around us? Think ye, that the little band, whose feeble forms are spared to bless our sight once more, are all of the army of Washington, who are uniting with us in this tribute of reverence for his memory? Think ye, that

the patriot soldiers or the patriot statesmen, who stood around him in war and in peace, are altogether absent from a scene like this? Adams and Jefferson, joint authors of the Declaration, by whose lives and deaths this day has been doubly hallowed; Hamilton and Madison, joint framers of the Constitution, present, visibly present, in the venerated persons of those nearest and dearest to them in life; Marshall, under whose auspices the work before us was projected, and whose classic pen had already constructed a monument to his illustrious compeer and friend more durable than marble or granite; Knox, Lincoln, and Green; Franklin, Jay, Pickering, and Morris; Schuyler and Putnam, Stark and Prescott, Sumter and Marion, Steuben, Kosciusko, and Lafayette; companions, counsellors, supporters, friends, followers of Washington, all, all; — we hail them from their orbs on high, and feel that we do them no wrong in counting them among the gratified witnesses of this occasion!

But it is the precise epoch at which we have arrived in the world's history, and in our own history, which imparts to this occasion an interest and an importance which cannot easily be over-estimated.

I can make but the merest allusion to the mighty movements which have recently taken place on the continent of Europe; where events which would have given character to an age, have been crowded within the changes of a moon.

Interesting, intensely interesting, as these events have been to all who have witnessed them, they have been tenfold more interesting to Americans. We see in them the influence of our own institutions. We behold in them the results of our own example. We recognize them as the spontaneous germination and growth of seeds which have been wafted over the ocean, for half a century past, from our own original Liberty Tree.

The distinguished writer of the Declaration which made this day memorable, was full of apprehensions as to the influence of the Old World upon the New. He even wished, on one occasion, that "an ocean of fire" might roll between America and Europe, to cut off and consume those serpent fascinations and seductions which were to corrupt, if not to strangle outright, our infant freedom in its cradle.

Doubtless, these were no idle fears at the time. Doubtless, there are dangers still, which might almost seem to have justified such a wish. But it is plain that the currents of political influence thus far have run deepest and strongest in the opposite direction. *The influence of the New World upon the Old* is the great moral of the events of the day. X

Mr. Jefferson's "ocean of fire" has, indeed, been almost realized. A tremendous engine has covered the sea with smoke and flame. The fiery dragon has ceased to be a fable. The inspired description of Leviathan is fulfilled to the letter. "Out of his mouth go burning lamps, and sparks of fire leap out. Out of his nostrils goeth smoke, as out of a seething-pot or caldron. His breath kindleth coals, and a flame goeth out of his mouth. He maketh the deep to boil like a pot; he maketh the sea like a pot of ointment."

But the Saint George of modern civilization and science, instead of slaying the dragon, has subdued him to the yoke, and broken him in to the service of mankind. The ocean of fire has only facilitated the intercourse which it was invoked to destroy. And the result is before the world.

New modes of communication, regular and more rapid interchanges of information and opinion, freer and more frequent comparisons of principles, of institutions, and of conditions, have at length brought the political systems of the two continents into conflict; and prostrate thrones and reeling empires this day bear witness to the shock!

Yes, fellow-citizens, (if I may be allowed the figure,) the great upward and downward trains on the track of human freedom have at last come into collision! It is too early as yet for any one to pronounce upon the precise consequences of the encounter. But we can see at a glance what engines have been shattered, and what engineers have been dashed from their seats. We can see, too, that the great American built locomotive, "Liberty," still holds on its course, unimpeded and unimpaired; gathering strength as it goes; developing new energies to meet new exigencies; and bearing along its imperial train of twenty millions of people with a speed which knows no parallel. |

Nor can we fail to observe that men are everywhere beginning

to examine the model of this mighty engine, and that not a few have already begun to copy its construction and to imitate its machinery. The great doctrines of our own Revolution, that "all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness;" — these fundamental maxims of the rights of man are proclaimed as emphatically this day in Paris, as they were seventy-two years ago this day in Philadelphia.

And not in Paris alone. The whole civilized world resounds with American opinions and American principles. Every vale is vocal with them. Every mountain has found a tongue for them.

—— Sonitum toto Germania cœlo  
Audiit, et insolitis tremuerunt motibus Alpes.

Everywhere the people are heard calling their rulers to account and holding them to a just responsibility. Everywhere the cry is raised for the elective franchise, the trial by jury, the freedom of the press, written constitutions, representative systems, republican forms.

In some cases, most fortunately, the rulers themselves have not escaped some seasonable symptoms of the pervading fervor for freedom, and have nobly anticipated the demands of their subjects. To the sovereign Pontiff of the Roman States, in particular, belongs the honor of having led the way in the great movement of the day, and no American will withhold from him a cordial tribute of respect and admiration for whatever he has done or designed for the regeneration of Italy. Glorious, indeed, on the page of history will be the name of Pius IX., if the rise of another Rome shall be traced to his wise and liberal

policy. Yet not less truly glorious, if his own authority should date its decline to his noble refusal to lend his apostolical sanction to a war of conquest.

For Italy, however, and for France, and for the whole European world alike, a great work still remains. A rational, practical, enduring liberty cannot be acquired in a paroxysm, cannot be established by a proclamation. It is not, — our own history proves that it is not, —

“ The hasty product of a day,  
But the well-ripened fruit of wise delay.”

The redress of a few crying grievances, the reform of a few glaring abuses, the banishment of a minister, the burning of a throne, the overthrow of a dynasty, these are but scanty preparations for the mighty undertaking upon which they have entered. New systems are to be constructed; new forms to be established; new governments to be instituted, organized, and administered, upon principles which shall reconcile the seeming conflict between liberty and law, and secure to every one the enjoyment of regulated constitutional freedom.

And it is at this moment, fellow-citizens, when this vast labor is about to be commenced, when the files of the Old World are searched in vain for precedents, and the file-leaders of the Old World are looked to in vain for pioneers, and when all eyes are strained to find the men, to find the man, who is sufficient for these things, it is at such a moment that we are assembled on this pinnacle of the American Republic — I might almost say by some Divine impulse and direction — to hold up afresh to the admiration and imitation of mankind the character and example of George Washington.

Let us contemplate that character and that example for a moment, and see whether there be any thing in all the treasures of our country's fame, I do not say merely of equal intrinsic value, but of such eminent adaptation to the exigencies of the time and the immediate wants of the world.

I will enter into no details of his personal history. Washington's birthday is a National Festival. His whole life, boyhood and manhood, has been learned by heart by us all. Who



knows not that he was a self-made man? Who knows not that the only education which he enjoyed was that of the common schools of Virginia, which, at that day, were of the very commonest sort? Who remembers not those extraordinary youthful adventures, by which he was trained up to the great work of his destiny? Who remembers not the labors and exposures which he encountered as a land surveyor, at the early age of sixteen years? Who has forgotten the perils of his journey of forty-one days and five hundred and sixty miles, from Williamsburg to French Creek, when sent, at the age of only twenty-one, as commissioner from Governor Dinwiddie, to demand of the French forces their authority for invading the King's dominions? Who has not followed him a hundred times, with breathless anxiety, as he threads his way through that pathless wilderness, at one moment fired at by Indians at fifteen paces, at the next wrecked upon a raft amid snow and ice, and subjected throughout to every danger, which treacherous elements or still more treacherous enemies could involve? Who has forgotten his hardly less miraculous escape, a few years later, on the banks of the Monongahela, when, foremost in that fearful fight, he was the only mounted officer of the British troops who was not either killed or desperately wounded?

Let me not speak of Washington as a merely self-made man. There were influences employed in moulding and making him, far, far above his own control. Bereft of his father at the tender age of eleven years, he had a *mother* left, to whom the world can never over-estimate its debt. And higher, holier still, was the guardianship so signally manifested in more than one event of his life. "By the all-powerful dispensations of Providence," wrote Washington himself to his venerated parent, after Braddock's defeat, "I have been protected beyond all human probability or expectation; for I had four bullets through my coat, and two horses shot under me; yet I escaped unhurt, although death was levelling my companions on every side of me." Well did the eloquent pastor of a neighboring parish, on his return, "point out to the public that heroic youth, Colonel Washington, whom (says he) I cannot but hope Providence has hitherto preserved in so signal a manner for some important service to the country."

And not less natural or less striking was the testimony of the Indian chief, who told Washington, fifteen years afterwards, "that at the battle of the Monongahela, he had singled him out as a conspicuous object, had fired his rifle at him many times, and directed his young warriors to do the same, but that, to his utter astonishment, none of their balls took effect; that he was then persuaded that the youthful hero was under the special guardianship of the Great Spirit, and immediately ceased to fire at him; and that he was now come to pay homage to the man who was the particular favorite of Heaven, and who could never die in battle."

Our Revolutionary fathers had many causes for adoring the invisible hand by which they were guided and guarded in their great struggle for liberty; but none, none stronger than this Providential preparation and preservation of their destined chief. Be it ours to prolong that anthem of gratitude which may no more be heard from their mute lips: "The grave cannot praise Thee; death cannot celebrate Thee; but the living, the living, they shall praise Thee, as we do this day!"

Of the public services of WASHINGTON to our own country, for which he was thus prepared and preserved, it is enough to say, that in the three great epochs of our national history he stands forth preëminent and peerless, the master-spirit of the time.

In the war of the Revolution, we see him the Leader of our Armies.

In the formation of the Constitution, we see him the President of our Councils.

In the organization of the Federal Government, we see him the Chief Magistrate of our Republic.

Indeed, from the memorable day when, under the unheard but by no means inauspicious salute of both British and American batteries, engaged in no holiday exercise on Bunker Hill, it was unanimously resolved, that George Washington having been chosen commander-in-chief of such forces as are or shall be raised for the maintenance and preservation of American liberty, "This Congress doth now declare that they will maintain and assist him, and adhere to him, the said George Washington,

with their lives and fortunes in the same cause ;” from this ever-memorable 17th of June, 1775 — a day on which (as has been well said \*) Providence kept an even balance with the cause, and while it took from us a Warren gave us a Washington — to the 14th day of December, 1799, when he died, we shall search the annals of our land in vain for any important scene, in which he was any thing less than the principal figure.

It is, however, the character of Washington, and not the mere part which he played, which I would hold up this day to the world, as worthy of endless and universal commemoration. The highest official distinctions may be enjoyed, and the most important public services rendered, by men whose lives will not endure examination. It is the glory of Washington, that the virtues of the man outshone even the brilliancy of his acts, and that the results which he accomplished were only the legitimate exemplifications of the principles which he professed and cherished.

In the whole history of the world it may be doubted whether any man can be found, who has exerted a more controlling influence over men and over events than George Washington. To what did he owe that influence? How did he win, how did he wield, that magic power, that majestic authority, over the minds and hearts of his countrymen and of mankind? In what did the power of Washington consist?

It was not the power of vast learning or varied acquirements. He made no pretensions to scholarship, and had no opportunity for extensive reading.

It was not the power of sparkling wit or glowing rhetoric. Though long associated with deliberative bodies, he never made a set speech in his life, nor ever mingled in a stormy debate.

It was not the power of personal fascination. There was little about him of that gracious affability which sometimes lends such resistless attraction to men of commanding position. His august presence inspired more of awe than of affection, and his friends, numerous and devoted as they were, were bound to him rather by ties of respect than of love.

\* By Edward Everett.

It was not the power of a daring and desperate spirit of heroic adventure. "If I ever said so," replied Washington, when asked whether he had said that there was something charming in the sound of a whistling bullet; "if I ever said so, it was when I was young." He had no passion for mere exploits. He sought no bubble reputation in the cannon's mouth. With a courage never questioned, and equal to every exigency, he had yet "a wisdom which did guide his valor to act in safety."

In what, then, did the power of Washington consist? When Patrick Henry returned home from the first Continental Congress, and was asked who was the greatest man in that body, he replied: "If you speak of eloquence, Mr. Rutledge, of South Carolina, is the greatest orator; but if you speak of solid information and sound judgment, Colonel Washington is by far the greatest man on that floor."

When, fifteen years earlier, Washington, at the close of the French war, took his seat for the first time in the House of Burgesses of Virginia, and a vote of thanks was presented to him for his military services to the Colony, his hesitation and embarrassment were relieved by the Speaker, who said, "Sit down, Mr. Washington, your modesty equals your valor; and that surpasses the power of any language that I possess."

But it was not solid information, or sound judgment, or even that rare combination of surpassing modesty and valor, great as these qualities are, which gave Washington such a hold on the regard, respect, and confidence of the American people. I hazard nothing in saying that it was the high moral element of his character which imparted to it its preponderating force. His incorruptible honesty, his uncompromising truth, his devout reliance on God, the purity of his life, the scrupulousness of his conscience, the disinterestedness of his purposes, his humanity, generosity, and justice, — these were the ingredients which, blending harmoniously with solid information and sound judgment and a valor only equalled by his modesty, made up a character to which the world may be fearlessly challenged for a parallel.

"Labor to keep alive in your breast that little spark of celestial fire, *conscience*," was one of a series of maxims which

Washington framed or copied for his own use when a boy. His rigid adherence to principle, his steadfast discharge of duty, his utter abandonment of self, his unreserved devotion to whatever interests were committed to his care, attest the more than Vestal vigilance with which he observed that maxim. He kept alive that spark. He made it shine before men. He kindled it into a flame which illumined his whole life. No occasion was so momentous, no circumstances were so minute, as to absolve him from following its guiding ray. The marginal explanation in his account book, in regard to the expenses of his wife's annual visit to the camp during the Revolutionary war, with his passing allusion to the "self-denial" which the exigencies of his country had cost him, furnishes a charming illustration of his habitual exactness. The fact that every barrel of flour which bore the brand of "George Washington, Mount Vernon," was exempted from the customary inspection in the West India ports, — that name being regarded as an ample guaranty of the quality and quantity of any article to which it was affixed, — supplies a not less striking proof that his exactness was everywhere understood.

— Everybody saw that Washington sought nothing for himself. Everybody knew that he sacrificed nothing to personal or to party ends. Hence, the mighty influence, the matchless sway, which he exercised over all around him. "He was the only man in the United States who possessed the confidence of all, (said Thomas Jefferson;) there was no other one who was considered as any thing more than a party leader."

Who ever thinks of Washington as a mere politician? Who ever associates him with the petty arts and pitiful intrigues of partisan office-seekers or partisan office-holders? Who ever pictures him canvassing for votes, dealing out proscription, or doling out patronage?

"No part of my duty," wrote Washington to Governor Bowdoin, in a letter, the still unpublished original of which is a precious inheritance of my own: "No part of my duty will be more delicate, and in many instances more unpleasant, than that of nominating and appointing persons to office. It will undoubtedly happen that there will be several candidates for

the same office, whose pretensions, abilities, and integrity may be nearly equal, and who will come forward so equally supported in every respect as almost to require the aid of supernatural intuition to fix upon the right. I shall, however, in all events, have the satisfaction to reflect that I entered upon my administration unconfined by a single engagement, uninfluenced by any ties of blood or friendship, and with the best intention and fullest determination to nominate to office those persons only who, upon every consideration, were the most deserving, and who would probably execute their several functions to the interest and credit of the American Union; if such characters could be found by my exploring every avenue of information respecting their merits and pretensions that it was in my power to obtain."

And there was as little of the vulgar hero about him, as there was of the mere politician. At the head of a victorious army, of which he was the idol,—an army too often provoked to the very verge of mutiny by the neglect of an inefficient Government,—we find him the constant counsellor of subordination and submission to the civil authority. With the sword of a conqueror at his side, we find him the unceasing advocate of peace. Repeatedly invested with more than the power of a Roman Dictator, we see him receiving that power with reluctance, employing it with the utmost moderation, and eagerly embracing the earliest opportunity to resign it. The offer of a crown could not, did not, tempt him for an instant from his allegiance to liberty.\* He rejected it with indignation and abhorrence, and proceeded to devote all his energies and all his influence, all his popularity and all his ability, to the establishment of that Republican System, of which he was from first to last the uncompromising advocate, and with the ultimate success of which he believed the best interests of America and of the world were inseparably connected.

It is thus that, in contemplating the character of Washington, the offices which he held, the acts which he performed, his successes as a statesman, his triumphs as a soldier, almost fade

\* Sparks's *Life of Washington*, pp. 354-5.

from our sight. It is not the Washington of the Delaware or the Brandywine, of Germantown or of Monmouth; it is not Washington, the President of the Convention, or the President of the Republic, which we admire. We cast our eyes over his life, not to be dazzled by the meteoric lustre of particular passages, but to behold its whole pathway radiant, radiant everywhere, with the true glory of a just, conscientious, consummate man! Of him we feel it to be no exaggeration to say that

"All the ends he aimed at  
Were his Country's, his God's, and Truth's."

Of him we feel it to be no exaggeration to say, that he stands upon the page of history the great modern illustration and example of that exquisite and Divine precept, which fell from the lips of the dying monarch of Israel, —

"He that ruleth over men must be just, ruling in the fear of God;

"And he shall be as the light of the morning when the sun riseth, even a morning without clouds!"

And now, fellow-citizens, it is this incomparable and transcendent character, which America, on this occasion, holds up afresh to the admiration of mankind. Believing it to be the only character which could have carried us safely through our own Revolutionary struggles, we present it, especially, this day, to the wistful gaze of convulsed and distracted Europe. May we not hope that there may be kindred spirits over the sea, upon whom the example may impress itself, till they shall be inflamed with a noble rage to follow it? Shall we not call upon them to turn from a vain reliance upon their old idols, and to behold here, in the mingled moderation and courage, in the combined piety and patriotism, in the blended virtue, principle, wisdom, valor, self-denial, and self-devotion of our Washington, the express image of the man, the only man, for their occasion?

*Daphni, quid antiquos signorum suspicis ortus?  
Ecce Dionæi processit Cæsaris astrum!*

Let us rejoice that our call is anticipated. Washington is no

new name to Europe. His star has been seen in every sky, and wise men everywhere have done it homage. To what other merely human being, indeed, has such homage ever before or since been rendered ?

"I have a large acquaintance among the most valuable and exalted classes of men," wrote Erskine to Washington himself, "but you are the only being for whom I ever felt an awful reverence."

"Illustrious man!" said Fox of him, in the British House of Commons in 1794, "deriving honor less from the splendor of his situation than from the dignity of his mind; before whom all borrowed greatness sinks into insignificance, and all the potentes of Europe\* become little and contemptible."

"Washington is dead!" proclaimed Napoleon, on hearing of the event. "This great man fought against tyranny; he established the liberty of his country. His memory will be always dear to the French people, as it will be to all free men of the two worlds."

"It will be the duty of the historian and the sage in all ages," says Lord Brougham, "to let no occasion pass of commemorating this illustrious man; and, until time shall be no more, will a test of the progress which our race has made in wisdom and virtue be derived from the veneration paid to the immortal name of Washington."

"One thing is certain," says Guizot — "one thing is certain; that which Washington did — the founding of a free government by order and peace, at the close of the revolution — no other policy than his could have accomplished."

And later, better still: "Efface henceforth the name of Machiavel," said Lamartine, within a few weeks past, in his reply to the Italian association, — "efface henceforth the name of Machiavel from your titles of glory, and substitute for it the name of Washington; that is the one which should now be proclaimed; that is the name of modern liberty. It is no longer the name of a politician or a conqueror that is required; it is that of a man, the most disinterested, the most devoted to the people.

\* It was not thought necessary to disfigure the text, by inserting the loyal parenthesis, "(excepting the members of our own royal family.)"



This is the man required by liberty. The want of the age is a European Washington!"

And who shall supply that want but he who so vividly realizes it? Enthusiastic, eloquent, admirable Lamartine! Though the magic wires may even now be trembling with the tidings of his downfall, we will not yet quite despair of him. Go on in the high career to which you have been called! Fall in it, if it must be so; but fall not, falter not, from it! Imitate the character you have so nobly appreciated! Fulfil the pledges you have so gloriously given! Plead still against the banner of blood! Strive still against the reign of terror! Aim still

"By winning words to conquer willing hearts,  
And make persuasion do the work of fear!"

May a gallant and generous people second you, and the Power which preserved Washington sustain you, until you have secured peace, order, freedom to your country!

"Si qua fata aspera rumpas,  
Tu Marcellus eris." \*

But, fellow-citizens, while we thus commend the character and example of Washington to others, let us not forget to imitate it ourselves. I have spoken of the precise period which we have reached in our own history, as well as in that of the world at large, as giving something of peculiar interest to the proceedings in which we are engaged. I may not, I will not, disturb the harmony of the scene before me by the slightest allusion of a party character. The circumstances of the occasion forbid it; the associations of the day forbid it; the character of him in whose honor we are assembled forbids it; my own feelings revolt from it. But I may say, I must say, and every one within the sound of my voice will sustain me in saying, that there has been no moment since Washington himself was among us, when it was more important than at this moment, that the two great leading principles of his policy should be remembered and cherished.

\* These forebodings were but too soon fulfilled. The tidings of the downfall of Lamartine's administration were received a few days after this Address was delivered.

Those principles were, first, the most complete, cordial and indissoluble Union of the States; and, second, the most entire separation and disentanglement of our own country from all other countries. Perfect union among ourselves, perfect neutrality towards others, and peace, peace,—domestic peace and foreign peace,—as the result; this was the chosen and consummate policy of the Father of his country.

But above all, and before all, in the heart of Washington, was the Union of the States; and no opportunity was ever omitted by him, to impress upon his fellow-citizens the profound sense which he entertained, of its vital importance at once to their prosperity and their liberty.

In that incomparable Address in which he bade farewell to his countrymen at the close of his Presidential service, he touched upon many other topics with the earnestness of a sincere conviction. He called upon them in solemn terms to “cherish public credit;” to “observe good faith and justice towards all nations,” avoiding both “inveterate antipathies, and passionate attachments” towards any; to mitigate and assuage the unquenchable fire of party spirit, “lest, instead of warming, it should consume;” to abstain from “characterizing parties by geographical distinctions;” “to promote institutions for the general diffusion of knowledge;” to respect and uphold “religion and morality, those great pillars of human happiness, those firmest props of the duties of men and of citizens.”

But what can exceed, what can equal, the accumulated intensity of thought and of expression with which he calls upon them to cling to the Union of the States. “It is of infinite moment,” says he, in language which we ought never to be weary of hearing or of repeating, “that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, *in any event*, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate

any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

The Union, *the Union in any event*, was thus the sentiment of Washington. The Union, *the Union in any event*, let it be our sentiment this day!

Yes, to-day, fellow-citizens, at the very moment when the extension of our boundaries and the multiplication of our territories are producing, directly and indirectly, among the different members of our political system, so many marked and mourned centrifugal tendencies, let us seize this occasion to renew to each other our vows of allegiance and devotion to the American Union, and let us recognize in our common title to the name and the fame of Washington, and in our common veneration for his example and his advice, the all-sufficient centripetal power, which shall hold the thick clustering stars of our confederacy in one glorious constellation forever! Let the column which we are about to construct, be at once a pledge and an emblem of perpetual union! Let the foundations be laid, let the superstructure be built up and cemented, let each stone be raised and riveted, in a spirit of national brotherhood! And may the earliest ray of the rising sun, — till that sun shall set to rise no more, — draw forth from it daily, as from the fabled statue of antiquity, a strain of national harmony, which shall strike a responsive chord in every heart throughout the Republic!

Proceed, then, fellow-citizens, with the work for which you have assembled! Lay the corner-stone of a monument which shall adequately bespeak the gratitude of the whole American people to the illustrious Father of his country! Build it to the skies; you cannot outreach the loftiness of his principles! Found it upon the massive and eternal rock; you cannot make it more enduring than his fame! Construct it of the peerless Parian marble; you cannot make it purer than his life! Exhaust upon it the rules and principles of ancient and of modern art; you cannot make it more proportionate than his character!

But let not your homage to his memory end here. Think not to transfer to a tablet or a column, the tribute which is due from yourselves. Just honor to Washington can only be rendered by

## NATIONAL MONUMENT TO WASHINGTON.

observing his precepts and imitating his example. *Similitudine decoremus.*\* He has built his own monument. We, and those who come after us in successive generations, are its appointed, its privileged guardians. This wide-spread Republic is the true monument to Washington. Maintain its Independence. Uphold its Constitution. Preserve its Union. Defend its Liberty. Let it stand before the world in all its original strength and beauty, securing peace, order, equality, and freedom to all within its boundaries, and shedding light, and hope, and joy, upon the pathway of human liberty throughout the world; and Washington needs no other monument. Other structures may fitly testify our veneration for him; this, this alone, can adequately illustrate his services to mankind.

Nor does he need even this. The Republic may perish; the wide arch of our ranged Union may fall; star by star its glories may expire; stone after stone its columns and its capitol may moulder and crumble; all other names which adorn its annals may be forgotten; but as long as human hearts shall anywhere pant, or human tongues shall anywhere plead, for a true, rational, constitutional liberty, those hearts shall enshrine the memory, and those tongues shall prolong the fame, of GEORGE WASHINGTON!

\* We may well add, with Tacitus, *Si natura suppediet.*

THE  
LIFE AND SERVICES OF JAMES BOWDOIN.

AN ADDRESS DELIVERED BEFORE THE MAINE HISTORICAL SOCIETY, AT  
BOWDOIN COLLEGE, ON THE AFTERNOON OF THE ANNUAL COMMENCE-  
MENT, SEPTEMBER 5, 1849.

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MR. PRESIDENT AND GENTLEMEN OF THE MAINE HISTORICAL SOCIETY,—

I AM here, as you are aware, and as I trust this crowded and brilliant assembly is aware, for no purpose of literary discussion, philosophical speculation, or oratorical display. The character of the occasion would alone have pointed me to a widely different line of remark, and would, indeed, have imperatively claimed of me some more substantial contribution to the objects for which you are associated. But your committee of invitation have kindly relieved me from the responsibility of selecting a topic from the wide field of American history, and have afforded me a most agreeable and welcome opportunity of fulfilling a long-cherished intention. They have called upon me, as one likely to have more than ordinary materials for such a work, as well as likely to take a more than ordinary interest in its performance, to give some ampler account than has ever yet been supplied, of a Family, which, while it may fairly claim a place in the history of the nation, as having furnished one of the most distinguished of our revolutionary statesmen and patriots, has been more directly identified, both by its earliest adventures and by its latest acts, with the history of Maine;—of Maine, both as it once was,—an honored and cherished part of the good old Commonwealth of Massachusetts,—and as it now is,—a proud, prosperous, and independent State.

In preparing myself to comply with this call, I have felt bound to abandon all ideas of ambitious rhetoric, to forego all custom of declamation, to clip the wings of any little fancy which I might possess, and to betake myself to a diligent examination of such private papers and public records as might promise to throw light upon my subject. I come now, gentlemen, to lay before you, in the simplest manner, the fruits of my research.

I hold in my hand an original manuscript in the French language, which, being interpreted, is as follows :

"To his Excellency, the Governor-in-Chief of New England, humbly prays Pierre Baudouin, saying: that having been obliged, by the rigors which were exercised towards the Protestants in France, to depart thence with his family, and having sought refuge in the realm of Ireland, at the City of Dublin, to which place it pleased the Receivers of His Majesty's Customs to admit him, your petitioner was employed in one of the bureaux ; but afterwards, there being a change of officers, he was left without any employment. This was what caused the petitioner and his family, to the number of six persons, to withdraw into this territory, in the town of Casco, and Province of Maine ; and seeing that there are many lands which are not occupied, and particularly those which are situated at the point of Barbary Creek, may it please your Excellency to decree that there may be assigned to your petitioner about one hundred acres, to the end that he may have the means of supporting his family. And he will continue to pray God for the health and prosperity of your Excellency.

"PIERRE BAUDOUIN."

Such was the first introduction into New England of a name which was destined to be connected with not a few of the most important events of its subsequent history, and which is now indissolubly associated with more than one of its most cherished institutions of education, literature, and science.

Driven out from his home and native land by the fury of that religious persecution, for which Louis XIV. gave the signal by the revocation of the edict of Nantz, — disappointed in his attempt to secure the means of an humble support in Ireland, whither he had at first fled, — Pierre Baudouin, in the summer of 1687, presents himself as a suppliant to Sir Edmund Andros, then Governor-in-Chief of New England, for a hundred acres of unoccupied land at the point of Barbary Creek in Casco Bay, in the Province of Maine, that he may earn bread for himself and his family by the sweat of his brow.

He was one of that noble sect of Huguenots, of which John

Calvin may be regarded as the great founder and exemplar, — of which Gaspard de Coligny, the generous and gallant admiral, who “filled the kingdom of France with the glory and terror of his name for the space of twelve years,” was one of the most devoted disciples and one of the most lamented martyrs, — and which has furnished to our own land blood every way worthy of being mingled with the best that has ever flowed in the veins either of southern Cavalier or northern Puritan.

He was of that same noble stock which gave three Presidents out of nine to the old Congress of the Confederation; which gave her Laurenses and Marions, her Hegers and Manigaults, her Prioleaus and Gaillards and Legarés to South Carolina; which gave her Jays to New York, her Boudinots to New Jersey, her Brimmers, her Dexters, and her Peter Faneuil, with the Cradle of Liberty, to Massachusetts.

He came from the famous town of Rochelle, which was for so many years the very stronghold and rallying point of Protestantism in France, and which, in 1629, held out so long and so heroically against the siege, which Richelieu himself thought it no shame to conduct in person.

He is said to have been a physician by profession. The mere internal evidence of the paper which I have produced, though the idiom may not be altogether of the latest Parisian, shows him to have been a man of education. While, without insisting on tracing back his pedigree, as others have done, either to Baldwin, Count of Flanders in 862, or to Baldwin the chivalrous King of Jerusalem in 1143, both of whom, it seems, spelled their names precisely as he did, there is ample testimony that he was a man both of family and fortune in his own land.

“I am the eldest descendant,” wrote James Bowdoin, the patron of the College within whose precincts we are assembled, “from one of those unfortunate families which was obliged to fly their native country on account of religion; — a family, which, as I understand, lived in affluence, perhaps elegance, upon a handsome estate in the neighborhood of Rochelle, which at that time (1685) yielded the considerable income of 700 louis d’ors per annum.”

This estate was, of course, irrecoverably forfeited by his flight,

and at the end of two years of painful and perilous adventure, he landed upon the shores of New England, with no other wealth but a wife and four children, and the freedom to worship God after the dictates of his own conscience.

His petition, which has no date of its own, but which is endorsed 2d August, 1687, was favorably received by Sir Edmund Andros, and the public records in the State department of Massachusetts contain a warrant, signed by Sir Edmund, and directed to Mr. Richard Clements, deputy surveyor, authorizing and requiring him to lay out one hundred acres of vacant land in Casco Bay for Pierre Baudouin, in such place as he should be directed by Edward Tyng, Esq., one of his majesty's council. The warrant bears date October 8, 1687.

Before this warrant was executed, however, Pierre Baudouin had obtained possession of a few acres of land on what is now the high road from Portland to Vaughan's Bridge, a few rods northerly of the house of the Hon. Nicholas Emery. A solitary apple tree, and a few rocks which apparently formed the curbing of a well, were all that remained about twenty years ago, to mark the site of this original dwelling-place of the Bowdoins in America. I know not whether even these could now be found.

In this original dwelling-place, Pierre and his family remained only about two years and a half. He had probably heard of the successful establishment in Boston, a year or two previously, of a Protestant church by some of his fellow fugitives from France. He is likely to have been still more strongly prompted to an early abandonment of this residence, by its extreme exposure to the hostile incursions and depredations of the French and Indians, who were leagued together, at this time, in an attempt to break up the British settlements on this part of the North American continent. And most narrowly, and most providentially, did he escape this peril. On the 17th of May, 1690, the fort at Casco was attacked and destroyed, and a general massacre of the settlers was perpetrated by the Indians. On the 16th, just twenty-four hours previously, Pierre Baudouin and his family had plucked up their stakes and departed for Boston. A race which had survived the Massacre of St. Bartholomew's, and the siege of Rochelle, was not destined to perish thus ignobly in the wilderness!



Pierre himself, however, lived but a short time after his arrival at Boston, and his eldest son, James, was left at the age of seventeen years, with the charge of maintaining a mother, a younger brother, and two sisters, in a strange land.

The energy, perseverance, and success with which this trying responsibility was met and was discharged by James Bowdoin (the first of that name in America,) is sufficiently attested by the fact, that he soon rose to the very first rank among the merchants of Boston, that he was chosen a member of the Colonial Council for several years before his death, and that he left to his children, as the fruit of a long life of industry and integrity, the greatest estate which had ever been possessed, at that day, by any one person in Massachusetts; an estate which I have seen estimated at from fifty to one hundred thousand pounds sterling.

Of the two sons, who succeeded equally to the largest part of this estate, James Bowdoin, who will form the principal subject of this discourse, was the youngest.

He was born in Boston on the 7th of August, 1726, and after receiving the rudiments of his education at the South Grammar School of that town, under Master Lovell, he was sent to Harvard College, where he was graduated a Bachelor of Arts in 1745. The death of his father occurred about two years later, and he was thus left with an independent estate just as he had attained to his majority,

It is hardly to be presumed that a young man of twenty-one years of age, of a liberal education, and an ample fortune, would devote himself at once and exclusively to mere mercantile pursuits. Nor am I inclined to believe that he ever gave much practical attention to them. But the earliest letter directed to him, which I find among the family papers, proves that he must have been, at least nominally, engaged in commercial business. It is directed to "Mr. James Bowdoin, Merchant."

This letter, however, has a far higher interest than as merely designating an address. It is dated Philadelphia, Oct. 25, 1750, and is in the following words:

"Sir,—Enclosed with this I send you all my Electrical papers fairly transcribed, and I have, as you desired, examined the copy, and find it correct. I shall be glad to

have your observations on them; and if in any part I have not made myself well understood, I will no notice endeavor to explain the obscure passages by letter.

"My compliments to Mr. Cooper and the other gentleman who were with you here. I hope you all got safe home.

"I am, Sir, your most humble servant,

"B. FRANKLIN."

The young Bowdoin, it seems, — who at the date of this letter was but four-and-twenty years old, — had made a journey to Philadelphia, (a journey at that day almost equal to a voyage to London at this,) in company with his friend and pastor, the Reverend Samuel Cooper, afterwards the celebrated Dr. Cooper of Brattle Street Church, — and having there sought the acquaintance of Dr. Franklin, had so impressed himself upon his regard and respect, that Franklin, in transmitting to him his electrical papers, takes occasion to invite his observations upon them.

Franklin was then at the age of forty-four years, and in the very maturity of his powers. Although he was at this time holding an office connected with the post-office department of the Colonies, as the frank on the cover of this letter indicates, he was already deeply engaged in those great philosophical inquiries and experiments which were soon to place him on the highest pinnacle of fame.

The acquaintance between Franklin and Bowdoin, which had thus been formed at Philadelphia, was rapidly ripened into a most intimate and enduring friendship; and with this letter commenced a correspondence which terminated only with their lives.

At the outset of this correspondence, Bowdoin appears to have availed himself of the invitation to make observations on Franklin's theories and speculations, with somewhat more of independence of opinion than might have been expected from the disparity of their ages. One of his earliest letters (21st Dec. 1751) suggested such forcible objections to the hypothesis, that the sea was the grand source of electricity, that Franklin was led to say in his reply, (24th January, 1752,) — "I grow more doubtful of my former supposition, and more ready to allow weight to that objection, (drawn from the activity of the electric fluid and the readiness of water to conduct,) which you have indeed stated with great strength and clearness." In the

following year Franklin retracted this hypothesis altogether. The same letter of Bowdoin's contained an elaborate explication of the cause of the crooked direction of lightning, which Franklin pronounced, in his reply, to be "both ingenious and solid," — adding, "when we can account as satisfactorily for the electrification of clouds, I think that branch of natural philosophy will be nearly complete."

In a subsequent letter, Bowdoin suggested a theory in regard to the luminousness of water under certain circumstances, ascribing it to the presence of minute phosphorescent animals, of which Franklin said, in his reply, (13th Dec. 1753,) — "The observations you made of the sea water emitting more or less light in different tracts passed through by your boat, is new, and your mode of accounting for it ingenious. It is, indeed, very possible, that an extremely small animalcule, too small to be visible even by our best glasses, may yet give a visible light." This theory has since been very generally received.

Franklin soon after paid our young philosopher the more substantial and unequivocal compliment of sending his letters to London, where they were read at the Royal Society, and published in a volume with his own. The Royal Society, at a later day, made Bowdoin one of their fellows; and Franklin, writing to Bowdoin from London, Jan. 13, 1772, says: "It gives me great pleasure that my book afforded any to my friends. I esteem those letters of yours among its brightest ornaments, and have the satisfaction to find that they add greatly to the reputation of American philosophy."

But the sympathies of Franklin and Bowdoin were not destined to be long confined to philosophical inquiries. There were other clouds than those of the sky, gathering thickly and darkly around them, and which were about to require another and more practical sort of science, to break their force and rob them of their fires. "*Eripuit cælo fulmen, sceptrumque tyrannis*" is the proud motto upon one of the medals which were struck in honor of Franklin. Bowdoin, we shall see, was one of his counsellors and coadjutors in both the processes which secured for him this enviable ascription.

Bowdoin entered into political life in the year 1753, as one of the four representatives of Boston, in the Provincial Legislature of Massachusetts, and remained a member of the House for three years, having been reëlected by the same constituency in 1754 and 1755.

The American Colonies were, at this moment, mainly engaged in resisting the encroachments of the French upon their boundaries. The Colony of Massachusetts Bay devoted itself, with especial zeal, to this object. It was said, and truly said, by their Councillors in 1755, in an answer to one of Governor Shirley's Messages, "that since the peace of Aix la Chapelle (1748) we have been at more expense for preventing and removing the French encroachments, we do not say than any other Colony, but than all His Majesty's Colonies besides."

Bowdoin appears from the journals to have coöperated cordially in making provision for the expeditions to Nova Scotia and Crown Point, and in all the military measures of defence. He seems, however, to have been more particularly interested in promoting that great civil or political measure of safety and security which was so seriously agitated at this time, — *the Union of the Colonies*.

In June, 1754, a convention of delegates from the various Colonies was held at Albany, under Royal authority and recommendation, to consider a plan of uniting the Colonies in measures for their general defence. Of this convention Franklin was a member, and a plan of general union, known afterwards as the Albany plan of union, but of which he was the projector and proposer, was conditionally adopted by the unanimous vote of the delegates. The condition was, that it should be confirmed by the various Colonial Assemblies.

In December, 1754, the measure was largely debated in the House of Representatives of Massachusetts, and on the 14th day of that month, the House came to a vote on the three following questions : —

1. "Whether the House accept of the general plan of union as reported by the commissioners convened at Albany in June last." This was decided in the negative.

2. "Whether the House accept of the partial plan of union

reported by the last committee of both Houses, appointed on the Union." This, also, was decided in the negative.

3. "Whether it be the mind of the House, that there be a General Union of his Majesty's Colonies on this Continent, except those of Nova Scotia and Georgia." This proposition was decided in the affirmative by a large majority.

The proceedings of the legislative bodies of the Colonies, and indeed of all other legislative bodies, wherever they existed throughout the world, were at that time conducted in secrecy. As late as 1776, Congress discussed every thing with closed doors, and we are indebted to Mr. Jefferson's Notes for all that we know of the debates on the Declaration of Independence. Even to this day, there is no authority for the admission either of reporters or listeners to the halls of the British Parliament. A single member may demand, at any moment, that the galleries be cleared, and may insist on the execution of the demand. Practically, however, the proceedings of Parliament and of almost all other legislative bodies are now public, and no one can over-estimate the importance of the change.

Doubtless, when debates were conducted with closed doors, there were no speeches for *Buncombe*, no clap-traps for the galleries, no flourishes for the ladies, and it required no hour-rule, perhaps, to keep men within some bounds of relevancy. But one of the great sources of instruction and information, in regard both to the general measures of government, and to the particular conduct of their own representatives, was then shut out from the people, and words which might have roused them to the vindication of justice or to the overthrow of tyranny were lost in the utterance. The perfect publicity of legislative proceedings is hardly second to the freedom of the press, in its influence upon the progress and perpetuity of human liberty, though, like the freedom of the press, it may be attended with inconveniences and abuses.

It is a most significant fact in this connection, that the earliest instance of authorized publicity being given to the deliberations of a legislative body in modern days, was in this same House of Representatives of Massachusetts, on the 3d day of June, 1766, when, upon motion of James Otis, and during the debates

which arose on the questions of the repeal of the stamp act, and of compensation to the sufferers by the riots in Boston, to which that act had given occasion, a resolution was carried "for opening a gallery for such as wished to hear the debates." The influence of this measure in preparing the public mind for the great revolutionary events which were soon to follow, can hardly be exaggerated.

Of the debates in 1754, on the union of the Colonies, we, of course, have no record. But I find among the family papers, a brief and imperfect memorandum, in his own hand-writing, of a speech made by Bowdoin on this occasion.

"It seems to be generally allowed (said he) that an union of some sort is necessary. If that be granted, the only question to be considered is, whether the union shall be general or partial. It has been my opinion, and still is, that a general union would be most salutary. If the Colonies were united, they could easily drive the French out of this part of America; but, in a dis-united state, the French, though not a tenth part so numerous, are an overmatch for them all. They are under one head and one direction, and all pull one way; whereas the Colonies have no head, some of them are under no direction in military matters, and all pull different ways. JOIN OR DIE, must be their motto."

After alluding to the importance of a union in reference to the Indian trade, he goes on to say, that "another advantage of a general union is, that the French Cape Breton trade would be put an end to."

"This trade (he continued) has been long complained of, not only as detrimental to our own trade, but as the French have, by means thereof, been furnished with provisions of all kinds, not only for themselves at Louisburg, but for Canada and the forces which they have employed on the Ohio. The flour they had there was marked by the Philadelphia and New York brand. They are supplied from the Colonies with the means of effecting their destruction; and their destruction will be the consequence of that trade, unless it be stopped. *And it must be stopped by being subjected to the regulations of a general union.*"

Thus early did Bowdoin suggest and advocate that great idea

of a general union of the Colonies for the regulation of trade, which we shall find him, almost half a century afterwards, in no small degree instrumental in accomplishing and realizing through the adoption of the Federal Constitution.

The prominent part which he took, in 1754, in favor of the measure, is proved by the fact, that immediately after the adoption of the proposition which I have stated, he was made the chairman of a committee of seven, on the part of the House, with such as the Council might join, "to consider and report a general plan of union of the several Colonies on this Continent, except those of Nova Scotia and Georgia."

It appears that this committee agreed upon such a plan, and that it was adopted by the Council. On being brought down to the House, however, its consideration was deferred, to allow time for members to consult their constituents, and a motion to print it was negatived. It was never again taken up, and I know not that any copy of it remains. Greater dangers, and from a more formidable source, were needed, to impress upon the Colonies the vital importance of that Union, without which their liberties and independence never could have been achieved. Nor were such greater dangers distant.

In May, 1757, after an interval of a single year from the termination of his three years' service in the House of Representatives, Bowdoin was elected by that body a member of the Council.

The Council of that day was not a mere Executive Council, like that which exists under the present Constitution of Massachusetts, but was a coördinate and independent branch of the Colonial Legislature. It was composed of twenty-eight members, a larger number than the Senate of the United States contained at the adoption of the Constitution, and was in almost every respect analogous to the Senates of our own day. To this body Bowdoin was annually reëlected, from 1757 to 1774, and he actually served as a member of it, with what zeal and ability we shall presently see, during sixteen of these seventeen successive years.

It would not be easy to overstate the importance to the ultimate success of American liberty and independence, of the

course pursued by the Council and House of Representatives of Massachusetts, during the greater part of this long period. Even as early as 1757, a controversy sprung up between these bodies and Lord Loudoun, the British commander-in-chief, in regard to quartering and billeting his troops upon the citizens of Boston, which by no means faintly foreshadowed the great disputes which were to follow. In this controversy, the authority of an act of Parliament in the Colony was boldly, and, it is believed, for the first time in our history, denied; and an earnest protestation was made that the colonists were entitled to all the rights and privileges of Englishmen.

The Provincial Governor of that period, however, — Thomas Pownall, — was too moderate and too liberal in his administration, and was, moreover, too deeply interested in the prosecution of those glorious campaigns of Wolfe and Amherst, in which Massachusetts, — and Maine, as a part of Massachusetts, — had so large and honorable a share, and by which the French power on this Continent was finally extinguished, to provoke any serious breach between himself and the Legislative Assemblies.

But Sir Francis Bernard, his successor, was another sort of person, and from his accession in 1760, down to the very day on which the last British governor was finally driven from our shores, there was one continued conflict between the legislative and executive authorities.

Governor Bernard, in his very first speech to the Assembly, gave a clue to his whole political character and course, by alluding to the blessings which the Colonies derived "from their *subjection* to Great Britain;" and the Council, in their reply to this speech, furnished a no less distinct indication of the spirit with which they were animated, by acknowledging how much they owed "to their *relation* to Great Britain."

Indeed, if any one would fully understand the rise and progress of revolutionary principles on this Continent; if he would understand the arbitrary and tyrannical doctrines which were asserted by the British Ministry, and the prompt resistance and powerful refutation which they met at the hands of our New England patriots, he must read what are called "The Massachusetts State Papers," consisting, mainly, of the messages of



the Governor to the Legislature, and the answers of the two branches of the Legislature to the Governor, during this period. He will find here almost all the great principles and questions of that momentous controversy, Trial by Jury, Regulation of Trade, Taxation without Representation, the Stamp Act, the Tea Tax, and the rest, stated and argued with unsurpassed ability and spirit. It was by these State Papers, more, perhaps, than by any thing else, that the people of that day were instructed as to the great rights and interests which were at stake, and the popular heart originally and gradually prepared for the great issue of Independence. If James Otis's argument against Writs of Assistance in 1761, (as was said by John Adams,) "breathed into this nation the breath of life," few things, if any thing, did more to prolong that breath, and sustain that life through the trying period of the nation's infancy, until it was able to *go alone*, than the answers of the House of Representatives of Massachusetts to the insolent assumptions of Bernard and Hutchinson, mainly drafted by the same James Otis and Samuel Adams, and the answers of the Council, mainly drafted by *James Bowdoin*.

Of the first-rate part which Bowdoin played, during his long service in the Council, we have the fullest testimony from the most unquestionable sources.

Governor Hutchinson, who was himself a principal actor in the scenes which he describes, and who will not be suspected of any undue partiality to Bowdoin, furnishes unequivocal testimony as to his course.

"In most of the addresses, votes, and other proceedings in Council, of importance, for several years past, (says he, in the third volume of his History of Massachusetts, at the commencement of the year 1766,) the Lieutenant Governor, (Hutchinson himself) had been employed as the chairman of the committees. Mr. Bowdoin succeeded him, and obtained a greater influence over the Council than his predecessor ever had; and being united in principle with the leading men in the House, measures were concerted between him and them, and from this time the Council, in matters which concerned the controversy between the Parliament and the Colonies, in scarcely any instance disagreed with the House."

Again, under date of 1770, Hutchinson says, "Bowdoin was *without a rival in the Council*, and by the harmony and reciprocal communications between him and Mr. S. Adams, the measures of Council and House harmonized also, and were made reciprocally subservient each to the other; so that when the Governor met with opposition from the one, he had reason to expect like opposition from the other."

Hutchinson also states, under the same date, that "Bowdoin greatly encouraged, if he did not first propose, (as a measure of retaliation for the arbitrary taxes imposed by Great Britain,) the association for leaving off the custom of mourning dress, for the loss of deceased friends; and *for wearing, on all occasions, the common manufactures of the country.*"

Nor are these unequivocal expressions in the published history of Hutchinson, the only testimony which has been borne to Bowdoin's influence in the Council and in the Commonwealth.

Alexander Wedderburn, (afterwards Lord Loughborough,) in his infamous philippic upon Dr. Franklin, before the Privy Council in England, styled Bowdoin "the leader and manager of the Council in Massachusetts, as Mr. Adams was in the House."

Sir Francis Bernard, in a private letter to the Earl of Hillsborough, then secretary of the Colonies, dated 30th November, 1768, held up Mr. Bowdoin to the censure of the Ministry, "as having all along taken the lead of the Council in their late extraordinary proceedings," and, in another letter, as "the perpetual president, chairman, secretary, and speaker of the Council;" and Sir Francis gave a practical demonstration of the sense which he entertained of Bowdoin's importance to the popular party, by negating him as a councillor at the next annual election. To this most honorable proscription, by the most tyrannical Governor who ever administered the affairs of Massachusetts, Bowdoin owed that single year of intermission in his labors at the Council Board, to which I have heretofore alluded.

But the people of Boston were not in a mood to be thus deprived of the patriotic services of a long-tried and favorite

servant, and, James Otis having at this moment withdrawn from public duty, Bowdoin was immediately chosen, in his place, a representative of Boston. No sooner, however, had he taken his seat again in this body, than the House, animated by the same spirit with the people of Boston, reëlected him to the Council, and Sir Francis Bernard, having in the mean time been recalled, Bowdoin's election was assented to by Governor Hutchinson upon grounds even more complimentary to his ability, and not less so to his patriotism, than those upon which he had been negatived by Sir Francis,—"because he thought his influence more prejudicial in the House of Representatives than at the Council." It was as the successor of Bowdoin, on this occasion, that John Adams first took his seat in the Legislature of Massachusetts.

Hutchinson's reason for assenting to Bowdoin's reëlection to the Council, is given with something more of circumstance and amplification, in one of his private letters to the Ministry a year or two afterwards. In April, 1772, he wrote as follows: "Mr. Hancock moved in the House to address the Governor to carry the Court to Boston, and to assign no reason except the convenience of sitting there, but this was opposed by his colleague Adams, and carried against the motion by three or four voices only. The same motion was made in Council, but opposed by Mr. Bowdoin, who is, and has been for several years, the principal supporter of the opposition to the government. *It would be to no purpose to negative him, for he would be chosen into the House, and do more mischief there than at the Board.*"

It seems, however, that this reasoning was not altogether satisfactory to the ministers of the Crown, or to the Crown itself, as in 1774 Bowdoin was again negatived by General Gage, who had succeeded Hutchinson as Governor, and who declared "that he had express orders from his Majesty to set aside from that board Hon. Mr. Bowdoin, Mr. Dexter, and Mr. Winthrop."

Thus terminated the services of James Bowdoin in his Majesty's Council, and within a few months afterwards his Majesty's Council itself was swept out of existence within the limits of Massachusetts.

The 17th of June, 1774, was no unfit precursor of the 17th of June, 1775. If the latter was the date of the first great physical contest for liberty, the former was the date of one of the earliest civil acts of revolution. The House of Representatives of Massachusetts then assembled at Salem, having come to a rupture with Governor Gage, and foreseeing that they should be immediately dissolved, ordered the door of their chamber to be locked, and having effectually barred out the Governor's secretary, proceeded, while he was actually reading the promulgation for their dissolution on the staircase, to do two most important and significant things: the one, to provide for holding a Provincial Congress to supply the place of the General Court of the Commonwealth; the other, to elect delegates to the first Continental Congress at Philadelphia. At the head of these delegates stood the name of *James Bowdoin*. The others were Thomas Cushing, Samuel Adams, John Adams, and Robert Treat Paine.

Had the condition of Bowdoin's family allowed him to proceed to Philadelphia, agreeably to this appointment, there can hardly be a doubt that his name would now be found, where all the world might read it, foremost on the roll of Independence; but the illness of his wife compelled him to stay at home, and that proud distinction was reserved for the name of John Hancock, who was elected as his substitute. The spirit by which he was actuated at this time, is abundantly indicated by a letter which he wrote to his friend Franklin in London, on the 6th of September, 1774, just after the first Congress had assembled, and which was mainly written as an introduction of Josiah Quincy, Jr., then vainly seeking a restoration of his health by a foreign voyage.

"Six regiments (says he) are now here, and General Gage, it is said, has sent for two or three from Canada, and expects soon two more from Ireland. Whether he will think these, or a much greater number added to them, sufficient to enforce submission to the act, (for reducing the province to a military government,) his letters to the Ministry will inform them, and time, every body else. *In apricum proferet atas*. A sort of enthusiasm seems universally prevalent, and it has been greatly heightened

by the Canada act for the encouraging and establishing Popery. "*Pro aris et focis*, our all is at stake," is the general cry throughout the country. Of this I have been in some measure a witness, having these two months past been journeying about the Province with Mrs. Bowdoin, on account of her health; the bad state of which has prevented my attending the Congress, for which the Assembly thought proper to appoint me one of their committee."

Mr. Bowdoin's own health, also, about this time, gave way, and soon after assumed a most serious aspect. In a letter to John Adams from his wife, bearing date June 15th, 1775, and which is among the letters of Mrs. Adams recently published by her grandson, I find the following passage: "Mr. Bowdoin and his lady are at present in the house of Mrs. Borland, and are going to Middleborough, to the house of Judge Oliver. He, poor gentleman, is so low, that I apprehend he is hastening to a house not made with hands; he looks like a mere skeleton, speaks faint and low, is racked with a violent cough, and, I think, far advanced in consumption. I went to see him last Saturday. He is very inquisitive of every person with regard to the times; begged I would let him know of the first intelligence I had from you; is very unable to converse by reason of his cough. He rides every pleasant day, and has been kind enough to call at the door (though unable to get out) several times. He says the very name of Hutchinson distresses him. Speaking of him the other day, he broke out, 'Religious rascal! how I abhor his name!'"

I am the more particular in giving these contemporaneous accounts of the circumstances which prevented Bowdoin from taking his seat in the Continental Congress, because, in the violence of partisan warfare afterwards, his patriotism was impeached on this ground. As well might the patriotism of James Otis be impeached, because the blows of assassins upon his brain, unsettling his reason, compelled him also to retire, at this moment, from the service of the country, and to leave others to reap a harvest of glory which he had sown! As well might the patriotism of Josiah Quincy, Jr. be impeached, because consumption, at this moment, had marked him for its prey, and he,

too, was forced to fly to milder climes, from which he only returned to expire within sight of his native shores!

The services of Bowdoin, however, were not yet destined to be lost to Massachusetts or to the country. Momentous responsibilities still awaited him, and the partial restoration of his health soon enabled him to meet them.

Indeed, while his health was still failing, he served as moderator of a great meeting of the people of Boston, in Faneuil Hall, which was held to consider the demand which had been made upon them by General Gage, for the surrender of their arms. The meeting was one of the greatest interest and excitement, and was protracted through many days. Bowdoin, at the close of it, acted as chairman of the committee to remonstrate and treat with General Gage upon the subject, and I now have in my hand the evidence of his success, in an original paper, which is not without historical interest, dated Boston, April 27, 1775, in the following terms:

“ General Gage gives liberty to the inhabitants to remove out of town with their effects, and, in order to expedite said removal, informs the inhabitants that they may receive passes for that purpose from General Robinson, any time after 8 o'clock to-morrow morning.”

Such was the only *liberty* which the people of Boston could, in that day, extort from the British commander-in-chief, — *liberty* to abandon their homes and firesides, and to seek shelter where they could find it! Even this, however, was a great point gained, and was far better than being exposed to the daily insults and depredations of a hireling soldiery. I have it under his own hand, that it was by his attention to this business, while already an invalid, that Bowdoin contracted the serious illness described by Mrs. Adams, by reason of which his life was at one time despaired of.

In August of this same year, 1775, a Provincial Congress assembled at Watertown, and proceeded, under the recommendation of the Continental Congress, to organize the first regular Government, by electing twenty-eight Councillors, not only to act as a branch of the legislative body, but to exercise the supreme executive authority of the province. Bowdoin was

elected first on the list, and on the meeting of the Board was formally placed at its head, so that he should act as President of the Council whenever he was present. Though his health was still infirm, he instantly accepted the appointment, and soon repaired to his post, and in that capacity he presided, from time to time for several years, over the now independent Republic. "This conspicuous act of *overt* treason," (as it was well termed by one who knew the meaning of the terms which he used, — Bowdoin's distinguished eulogist, Judge Lowell,) this conspicuous act of overt treason to the British monarch, whose ministry was still exercising "the pageantry of civil government within the province," and whose armies held possession of the capital almost within sight, furnishes ample evidence that Bowdoin shrunk from no exposure to personal proscription or peril.

George Washington had just then assumed the command of the American army, encamped around Boston. Bowdoin's official position brought him, of course, into immediate relation to the commander-in-chief, and an intimate and enduring friendship was soon formed between them. Many letters of a highly confidential character, and a beautiful cane, now in my own possession, which was the gift of Bowdoin to Washington, and which was returned, as a precious memorial to the family by Mrs. Washington, after her husband's death, bear witness to the cordial regard which they cherished for each other.

In the autumn of 1775, the Continental Congress despatched a special committee of its members to Cambridge, to confer with Washington and the authorities of the New England States, as to the best means of conducting the campaign. Benjamin Franklin and Benjamin Harrison, (the father of the late lamented President of the United States,) were two of the committee of Congress. Bowdoin was the chairman of the committee to conduct the conference on the part of Massachusetts; and by them it was agreed that an army of twenty-four thousand men should be raised for the ensuing year, and that the several Colonies should be called on for their respective proportions of money to meet the expenses of supporting them.

It was about this time that Washington said to some timid Whigs in Massachusetts, "You need not fear, when you have a Bowdoin at your head."

It was through the confidential agency of Bowdoin, some years afterwards, in 1780, that Washington procured a plan of the harbor of Halifax, with the depth of the water, and the position of all the military works, with a view to its destruction by the French fleet.

Nor may it be uninteresting, or out of place, to mention here, that on the night on which Washington threw up the redoubts on Dorchester Heights, which compelled the British army to evacuate Boston on the seventeenth of March, he was accompanied by Bowdoin's son, James, (afterwards the patron of the College,) a young man then of twenty-two years of age, who, after being graduated at Harvard, had gone over to England, partly on account of his health, and partly to pursue his studies at the University of Oxford, but who had hurried back to share the fortunes of his native land instantly on the breaking out of hostilities. The young Bowdoin also crossed over in the same boat with Washington on his entrance into Boston, after the departure of the British, and took him to dine at his grandfather Erving's, where, we are told, the greatest delicacy the town afforded "was only a piece of salted beef."

Mr. Bowdoin, the father, was reëlected to the Council in 1776 and 1777, and continued to serve as its presiding officer, whenever his health permitted him to attend its meetings, until the summer of 1777, when he resigned.

In 1776, on the receipt of the news of the Declaration of Independence, he was made chairman of the committee to direct and personally superintend its proclamation from the balcony of the Old State House in Boston. He was, also, the chairman of the committee to conduct the affairs of the Commonwealth during the recess of the General Court.

In 1779, Bowdoin was brought back again into the public service by being elected a delegate from the town of Boston to the Convention which framed the Constitution of Massachusetts. One attempt to accomplish this work had already been made by the Legislature during the previous year, but the plan had been rejected by the people. The greatest minds of the Commonwealth were now called together to repair the failure. Samuel Adams and John Adams, Hancock, the elder John Lowell, Theophilus



Parsons, the elder John Pickering, George Cabot, Nathaniel Gorham, James Sullivan, the elder Levi Lincoln, Robert Treat Paine, Jonathan Jackson, Henry Higginson, Nathaniel Tracy, Samuel Osgood, William Cushing, and Caleb Strong, were among the members of this Convention. Your own Province of Maine was represented, among others, by David Sewall and Benjamin Chadbourne. Well might it be said that "to this Convention were returned from all parts of the Commonwealth, as great a number of men of learning, talents, and patriotism, as had ever been assembled here at any earlier period." It may be doubted, whether any later period has ever witnessed its equal. Of this Convention, Bowdoin was the President.

His position as presiding officer, however, did not exempt him from the more active duties of membership, and, during the long recess of the Convention, he served as chairman of the select committee, by which the original draft of the Constitution was digested and prepared. His friend and eulogist, Judge Lowell, who was himself second to no one in that Convention, either for the zeal or the ability which he brought to the work, says of Bowdoin, that "it is owing to the hints which he occasionally gave, and the part which he took with the committee who framed the plan, that some of the most admired sections in the Constitution of this State appear in their present form;" and he adds, "this assembly of wise men carried home with them such impressions of his character as an able and virtuous statesman, that they retained the highest respect and esteem for him till his death."

At the organization of the government of the Commonwealth under this new Constitution, John Hancock was elected to the chief magistracy. There having been no choice of a Lieutenant Governor by the people, the Legislature, on their assembling, elected Bowdoin to that office. They, also, simultaneously elected him a Senator for the County of Suffolk, leaving it optional with himself to decide in which capacity he would serve the State, and intimating, certainly, in the most complimentary manner, their unwillingness that the State should be deprived of his services altogether. Bowdoin, however, declined both these offices, as he did, also, the appointment of agent to negotiate a loan in Europe, which, about this time, was offered

to him. But in the subsequent winter he accepted an appointment from the Legislature, in company with the Justices of the Supreme Court, the Attorney-General, and Mr. John Pickering, "to revise the laws in force in the State; to select, abridge, alter, and digest them, so as to be accommodated to the present Government." I have seen ample evidence, in his private papers, of the labor which he bestowed on the duties of this distinguished and most responsible commission.

In 1782, Bowdoin was chosen a representative from Boston, but declined the office.

In January, 1785, Hancock resigned his place as Chief Magistrate of Massachusetts. At the ensuing April election there was no choice by the people, but on the meeting of the Legislature in May, Bowdoin was elected Governor, by the Senate, out of the candidates sent up to that body by the House of Representatives.

It was during the popular canvass preceding this election, that a charge was brought against Bowdoin that he was in British interest and under British influence. In these latter days, such a charge, against whomsoever it were arrayed, could excite little surprise. It is the penalty of modern public life, to be abused. Not to be the subject of some false report, of some slanderous charge, of some calumnious imputation, would seem almost to imply that one was too insignificant to attract notice. So uniformly does abuse or misrepresentation follow any considerable fame, that a public man is almost tempted to exclaim in the words of an old ballad,—

"Liars will lee on full guid men  
Sae will they do on me;  
I wad'na wish to be the man,  
That liars on wad'na lee."

But that one who had been so early and ardent an opposer of British oppression and British dominion, and who, as we have seen, had coöperated personally and prominently in almost all the measures by which that aggression had been successfully resisted, and that dominion finally thrown off, should now so soon have been subjected to such an imputation upon his patriotism,

and such an impeachment of his integrity, must certainly astonish every one, who has not become familiar with the habitual disingenuousness and unscrupulousness of modern partisan warfare.

The only points relied upon to give color to this infamous accusation were, first, Bowdoin's failure to attend the Continental Congress in 1774, when, as we have sufficiently seen, the illness of his wife, and the critical condition of his own health, detained him at home; and, second, the marriage of Bowdoin's only daughter with Sir John Temple.

The late estimable and distinguished author of the "Familiar Sketches of Public Characters," which are believed to be generally as correct, as they certainly are spirited and interesting, says that Bowdoin was suspected of English partialities, "because an Englishman who bore a title had become his son-in-law."

Now the fact is, that John Temple was a Boston boy, born at Noddle's Island, now East Boston, of parents who had long resided in this country, and that he did not inherit his baronetcy from his great grandfather until nearly eighteen months after this election was over. He had been, moreover, a thorough Whig during the whole of our Revolution, and had paid the penalty of his opposition to the British Ministry by the loss of more than one office, of which the emoluments were in the last degree necessary to his support. It was of Temple that Arthur Lee, then in London, wrote to Samuel Adams, December 22, 1773, "There is no man more obnoxious to Hillsborough, Bernard, Knox, and all that tribe of determined enemies to truth, to virtue, liberty, and America."

It is, indeed, not a little curious, that, while in 1785, Bowdoin was charged with being in British interest, on account of his connection with Temple, — in 1770, Bowdoin's original opposition to Great Britain was attributed to the very same cause. "During the administration of Shirley and Pownall, (says Governor Hutchinson in his third volume,) Bowdoin was considered rather as a favorer of the prerogative, than of the opposition to it. But Mr. Temple, the Surveyor-General of the Customs, having married Mr. Bowdoin's daughter, and having differed with Governor

Bernard, and connected himself with Mr. Otis and others in the opposition, Mr. Bowdoin, from that time, entered into the like connections."

Hutchinson is still more explicit upon this point in some of his private letters. In a letter to Commodore (afterwards Admiral) Gambier, dated 7th May, 1772, he says: "Of the two you mentioned, one in the Common and the other near it, (Bowdoin's elegant mansion *near* the Common is still freshly remembered,) I have found the first pliable, and have made great use of him, and expect to make more; the other is envious, and with dark, secret plottings endeavors to distress Government; and, although I am upon terms of civility with him, yet when the faction in the House have any point to carry, they are sure of his support in Council, and he is as obstinate as a mule. I do not find the advice, that his son-in-law is like to be provided for in England, has any effect upon him. If I see any chance of bringing him over, and making him a friend to Government, I will try it; in the mean time, I will bear with his opposition as I have done for several years past. This *inter nos*."

It seems thus, that Hutchinson was about to make a trial upon Bowdoin's patriotism, with a view of seeing if there was "any chance of bringing him over, and making him a friend to Government." And in a letter to Sir Francis Bernard, dated 25th August, 1772, four months afterwards, we have some glimpses of the result of the attempt.

"Before Commodore Gambier sailed, (he says,) he hinted to me the same thing he did to you after his arrival in England. I thought it was suggested to him by —, and I took it to be only his opinion of the effect such an expectation might have, and I have no reason to think Mr. B. was privy to the suggestion. His conduct in Council is very little different from what it was in your administration, and he runs into the foolish notions of Adams & Co., and when Government is the subject, talks their jargon. On other occasions, we are just within the bounds of decency. One would have thought the unexpected favors shown to his son-in-law would have softened him. I don't know but he may have been rather more cautious in his language, but he joins in the same measures."

Bowdoin himself gave the best evidence, not many months afterwards, with what success he had been approached, and how far he had even become "more cautious in his language," in the prompt and powerful stand which he took against Hutchinson's elaborate message to the Legislature, upholding the power of Parliament over the Colonies; in regard to which, Hutchinson wrote to General Gage, on the 7th of March, 1773, — "The Council would have acquiesced, if Mr. Bowdoin had not persuaded them that he could defend Lord Chatham's doctrine, that Parliament had no right of taxation; but by his repugnant arguments he has exposed himself to contempt."

A copy of these "repugnant arguments" is in my possession, in Bowdoin's handwriting, as they are printed among the Massachusetts State Papers; and no one can read them without feeling that, if they exposed him to the "contempt" of this pliant tool of royalty, they have entitled him to the respect and gratitude of every American patriot. The paper is, unquestionably, among the ablest compositions to which the controversies of that day gave occasion, and was the immediate cause of Bowdoin's being negatived, at his next election to the Council, by the express order of his Majesty.

Temple, it appears, had been appointed in December, 1771, surveyor-general of the customs in England. He had been refused all further employment in America on the ground of his known attachment to the cause of his native country, the King himself having signified to Lord North that he must not be suffered to return to the Colonies in any public capacity. But his zeal for the interests of the Colonies could not thus be extinguished; and in 1774, he was summarily removed from office, for reasons which are set forth in a paper bearing his own signature, which was addressed to the Government of Massachusetts in 1791, and which begins as follows:

"Dr. Franklin and Mr. Temple were, in the year 1774, upon one and the same day, and for one and the same cause, dismissed from the several employments they held under the crown of Great Britain; expressly for their attachment to the American cause; and particularly for their having obtained and transmitted to the State of Massachusetts, certain original letters and papers,

which first discovered, with certainty, the perfidious plans then machinating against the freedom and happiness of the then Colonies, now United States in North America; Mr. Temple, by such dismissal, lost upwards of a thousand pounds sterling per annum, besides several very honorary appointments under the crown; Dr. Franklin's loss was about five hundred pounds a year."

This distinct and public declaration during the lifetime of Franklin, corroborated as it is by a previous and private communication to John Adams, removes all doubt as to the fact, that it was through Temple's coöperation with Franklin that the famous Hutchinson letters were sent over to this country, and furnishes another proof that his employment and salaries abroad had, in no degree, diminished his interest in the cause of American Liberty.

It would be quite out of place to follow the course and character of Sir John Temple further on this occasion. I have said enough to show how utterly groundless were any imputations upon Bowdoin's patriotism, arising out of his connection with Temple. I have said enough to prove how justly it was said of Bowdoin at his death,—“He was in every sense a patriot. He connected himself with those who were determined not to be slaves. It was in his power to have made any terms for himself, if he could have deserted his principles; but firm and incorruptible, he put every thing at hazard.”

The condition of Massachusetts, and of the nation at large, when Bowdoin assumed the Chief Magistracy of the Commonwealth, (if there was any thing which could be called a nation in 1785,) was most critical. Both were overwhelmed with the debts of the Revolution, and no effective system of finance had been established for their discharge. Indeed, the resources of the people were already utterly exhausted, and a wide-spread bankruptcy seemed almost inevitable. Bowdoin, however, stood forth, in his first address to the Legislature, as the stern advocate of supporting the credit of the State at all costs, and as the uncompromising opponent of every idea of repudiation. “Lately emerged, (said he,) from a bloody and expensive war, a heavy debt upon us in consequence of it,—our finances deranged and

our credit to reestablish, — it will require time to remove these difficulties. The removal of them must be effected in the same way a prudent individual, in like circumstances, would adopt, — by retrenching unnecessary expenses, adopting a strict economy, providing means of lessening his debt, duly paying the interest of it, and manifesting to his creditors and the world, that in all his transactions he is guided by the principles of honor and strict honesty. In this way, and in this only, public credit can be maintained or restored ; and when governments, by an undeviating adherence to these principles, shall have firmly established it, they will have the satisfaction to see that they can obtain loans in preference to all borrowers whatever.”

In this same first address to the General Court, Bowdoin came forward, also, as the ardent adviser of an enlargement of the powers of the Continental Congress, with a view to the regulation of commerce with foreign nations.

“ The state of our foreign trade, (said he,) which has given so general an uneasiness, and the operation of which, through the extravagant importation and use of foreign manufactures, has occasioned so large a balance against us, demands a serious consideration.

“ To satisfy that balance, our money is exported ; which, with all the means of remittance at present in our power, falls very short of a sufficiency.

“ Those means, which have been greatly lessened by the war, are gradually enlarging ; but they cannot soon increase to their former amplitude, so long as Britain and other nations continue the commercial systems they have adopted since the war. Those nations have an undoubted right to regulate their trade with us, and to admit into their ports, on their own terms, the vessels and cargoes that go from the United States, or to refuse an admittance ; their own interest or their sense of it, being the only principle to dictate those regulations, where no treaty of commerce is subsisting.

“ The United States have the same right, and can, and ought to regulate their foreign trade on the same principle ; but it is a misfortune, that Congress have not yet been authorized for that purpose by all the States. If there be any thing wanting on

the part of this State to complete that authority, it lies with you, gentlemen, to bring it forward and mature it; and, until Congress shall ordain the necessary regulations, you will please to consider what further is needful to be done on our part, to remedy the evils of which the merchant, the tradesman, and manufacturer, and indeed every other description of persons among us, so justly complain."

"It is of great importance, (he continues,) and the happiness of the United States depends upon it, that Congress should be vested with all the powers necessary to preserve the Union, to manage the general concerns of it, and secure and promote its common interest. That interest, so far as it is dependent on a commercial intercourse with foreign nations, the Confederation does not sufficiently provide for; and this State, and the United States in general, are now experiencing, by the operation of their trade with some of these nations, particularly Great Britain, the want of such a provision. . . .

"This matter, Gentlemen, merits your attention; and if you think that Congress should be vested with ampler powers, and that special delegates from the States should be convened to settle and define them, you will take the necessary measures for obtaining such a Convention or Congress, whose agreement, when confirmed by the States, would ascertain these powers."

Thus again did Bowdoin, in 1785, propose as the only mode of securing our national prosperity, and counteracting the pernicious effects of the restrictive policy of Great Britain, the same remedy which he had declared necessary in 1754, against the Cape Breton trade of the French, — *a general union of the Colonies, with the power of regulating trade.*

His views were not now lost upon those to whom they were addressed. The Legislature of the Commonwealth cordially responded to them, and passed strong resolutions, bearing date July 1, 1785, recommending a Convention of Delegates from all the States, for the purpose of revising the articles of Confederation, and enlarging the powers of Congress. These resolutions were communicated to Congress and the several States. Virginia passed similar resolutions in January, 1786; in the following September, the first meeting of delegates was held at Anna-



polis; and in May, 1787, the Convention assembled at Philadelphia, by which the Constitution of the United States was finally formed.

The late Mr. Alden Bradford, whose name has so many titles to our respectful remembrance, does not hesitate to assert, in his History of Massachusetts, in view of the facts which I have stated, that Governor Bowdoin "is entitled to the honor of having first urged the enlargement of the powers of Congress for regulating commerce with foreign countries, and for raising a revenue from it to support the public credit."

I need not say how gladly I would vindicate the Bowdoin title to this distinction. He who can rightfully claim it, needs no other title to the eternal gratitude of his country. The man, upon whose tombstone it may be truly written, — "It was by him that the great idea of our glorious Federal Constitution was first conceived, and first urged," — need not envy the proudest epitaph in Westminster Abbey or the Pantheon. To him the rarely interrupted peace, the unparalleled progress and prosperity, the firm and cordial union of this mighty nation, for sixty years past, and as we hope and believe, for sixty times sixty years to come, will bear grateful testimony! To him, the first great example of successful Constitutional Republican Government, will acknowledge a perpetual debt! Around his memory, the hopes of civil liberty throughout the world will weave an unfading chaplet!

Such an honor, however, is too high to be lightly appropriated to any one man. I know the danger of setting up pretensions of priority in great ideas, whether of state policy, philosophical theory, scientific discovery, or mechanical invention. It was claimed for Patrick Henry, that he was the first to exclaim, under the sting of British oppression in 1774, "We must fight;" but it has since been clearly proved, that he only echoed the exclamation of Joseph Hawley of Massachusetts, communicated to him by John Adams.

The first public proposal of a General Convention to remodel the Confederacy, has been traced by Mr. Madison to one, whose family name would thus seem to be associated both with the earliest suggestion, and with the latest and ablest defence of

the Constitution, — Pelatiah WEBSTER, — a correspondent and friend of Governor Bowdoin, who brought it forward in a pamphlet published in 1781. This was followed by resolutions in favor of it, passed by the Legislature of New York, on motion of General Schuyler, in 1782. Hamilton declared himself in favor of the plan, in Congress, in 1783. Richard Henry Lee, in a letter to Mr. Madison, urged it in 1784. But no one can doubt that the earnest official recommendation of Bowdoin, and the strong resolutions of Massachusetts, (then one of the three great States of the Confederacy,) in 1785, were most important steps in this momentous Federal movement. They preceded, by more than a year, the resolutions of Virginia, to which so deserved a prominence has always been given, and they should not be suffered to be omitted, as they too often hitherto have been, from the history of the rise and progress of the Constitution of the United States.

It may be doubted, indeed, whether any one was an earlier or more intelligent advocate than Bowdoin, of the great commercial principle which the Constitution was primarily established to vindicate. The necessity of regulating the trade and navigation of the United States, with a view to counteracting the restrictive policy of Great Britain and other nations, and of protecting the industry and labor of our own people, was illustrated and enforced by him on every occasion.

Under his auspices, the Legislature of Massachusetts passed an act for this purpose on their own responsibility, to cease, of course, whenever Congress should be vested with power to take the subject under national control.

Under his advice, an act laying additional duties of import and excise was also passed by the State Legislature, in relation to which, at the subsequent session, in October, 1785, Governor Bowdoin used language in his message, which shows both the extent of his information, and the soundness of his views upon these commercial subjects : —

“ As one intention of the act (says he) was to encourage our own manufactures, by making such a distinction in the duties upon them and upon foreign manufactures, as to give, in regard to price, a clear preference to the former, you will please to con-

sider, in revising the act, whether that intention be in fact answered with respect to some of them. I would particularly instance in the manufacture of loaf sugar, which, at a time when we were under the dominion of Great Britain, was for a while very profitably carried on here ; but by the British Parliament giving a large bounty on the exportation of it from thence, and this with a view of putting a stop to our manufacturing it, it was imported here so cheap, as effectually to answer that purpose. The bounty, as I am informed, being still continued, the duties on each of these manufactures, and on foreign in general, should be so regulated, as to give a decided preference in favor of our own ; and a like attention should be also had in reference to all our manufactures."

In a message of February 8, 1786, he calls upon the Legislature to do something for the encouragement of the manufacture of iron :—

" Mr. John Noyes, (says he,) who has lately returned hither from Europe, was with me a few days ago, and acquainted me that while there, he employed the greatest part of his time in endeavoring to inform himself in several branches of manufacture in iron ; that he had gained a thorough knowledge of those branches ; and that if he and his partner, Colonel Revere, could obtain sufficient encouragement from the Legislature, they would erect works for carrying them on to some considerable extent ; that he had, also, a perfect knowledge of the machines used in Europe in manufacturing iron and steel, and was well informed in the construction and use of the new-invented steam engine, very necessary in those operations, and which may be advantageously employed in many others.

" In consequence of this conversation, I yesterday received a letter from them to the same purpose, which, with a letter to me from the Hon. Mr. Adams, our Minister in London, recommending Mr. Noyes and his project of introducing some new manufactures, will be communicated to you.

" Circumstanced as we are at present, it is highly necessary we should encourage every useful and practicable manufacture, especially that of iron, which, in point of usefulness and practicability, may vie with any.

"As this manufacture, connected with the proposed improvements upon it, may be extensively beneficial to the Commonwealth, I do with great earnestness recommend the proposal for its establishment to your favorable consideration."

In another of his messages, (21st February, 1786,) he calls the attention of the Legislature to the importance of doing something for the wool growers and the woollen manufacturers of the State : —

"The extravagant importation of foreign manufactures, (says he,) since the conclusion of the war, has greatly injured our own, particularly those in wool.

"The quantity of woollens imported, their superior fabric, and the cheapness of them, have not only in a great measure put a stop to our looms, and to the several other modes of manufacturing our wool, but have thereby been a principal cause of the decrease of sheep in this Commonwealth. This decrease, as we are now necessitated to manufacture for ourselves, is universally felt and regretted; and it has become necessary to apply some remedy to this evil, which for several years has been a growing one. You will, therefore, allow me, gentlemen, to recommend to you, to apply some effectual remedy accordingly; and at the same time to project some method, by which we may obtain models of several machines, or the machines themselves, lately invented for manufacturing woollen cloths, by the use of which there would be a saving of much labor and expense, and the cloth would be manufactured in a superior manner."

In still another message of the same date, he says, "As the encouragement of every useful manufacture in the Commonwealth has now become necessary, it is my duty to mention to you a very important one,—so important to us as a free and independent people, that our existence as such may depend on the establishing it among ourselves; I mean the manufacture of *gunpowder*."

It is not for me, on this occasion, to discuss the value of what has been called "the American System." Nor would I, at any time, disturb the laurels of those among the living, to whom its paternity has been ascribed. But if any one of later years is privileged to wear the title of the father of this system, I think

I may safely assert, upon the evidence which I have now furnished, the unquestionable claim of Governor Bowdoin to be remembered as its *grandfather*.

Certainly, if any one desires to know for what object the revival of the old articles of confederation was demanded by at least one of its earliest and most prominent advocates in New England; if any one desires to understand what was the original Massachusetts meaning of the constitutional phrase, "Congress shall have power to regulate commerce with foreign nations;" he may read it in language which cannot be mistaken, in these messages of Governor Bowdoin.

There was something, however, of ominous significance in his call upon the Legislature at this moment to encourage the manufacture of *gunpowder*. The day was rapidly approaching when Massachusetts was about to require a supply of that article for the first time, and, I pray God, for the last time, in her history as an independent Commonwealth, for the most deplorable of all occasions.

Bowdoin was reëlected to the Chief Magistracy, in April, 1786, by a very large majority of the popular votes, when he again, in his opening address, pressed upon the Legislature the paramount importance of making provision for sustaining the public credit. Already, however, the discontents at the heavy burden of taxation had swollen to a formidable height; and before the close of the year, they had broken out into an open insurrection against the legal processes of collection. The courts of justice were systematically interrupted in their sessions, and the insurgents were led along from step to step, until they found themselves arrayed in arms against the constituted authorities of the State.

The exigency was, indeed, a momentous one. For the first time, and while the cement by which it was held together was still green and unhardened, the fabric of our free institutions was to be put to the test of a forcible assault. The public Credit, the Independence of the Judiciary, the Authority of the Executive, the Supremacy of the Laws, the Capacity of the People for Self-government, — all, all were at stake. Had "Shays' Rebellion," as it is called, been triumphant, it is hardly

possible to exaggerate the danger in which our whole American Republican system would have been involved. Had an example of successful repudiation at once of debt, of law, and of all government, been given at so early a day after our independence, and in so leading a commonwealth as Massachusetts, no one can tell into what volcanic vortex our whole continent would have been plunged, or how far we should have escaped the fate of the Spanish colonies at the South, in being the subject of one unceasing series of political convulsions and revolutions.

Everywhere the faces of the friends of freedom gathered blackness at the prospect. Even Washington could scarcely hold fast to the great principle which had never before failed him, not to despair of the Republic. In a letter to James Madison, of November 6, 1786, he says:—"No morn ever dawned more favorably than ours did; and no day was ever more clouded than the present. . . . Without an alteration in our political creed, the superstructure we have been seven years in raising, at the expense of so much treasure and blood, must fall. We are fast verging to anarchy and confusion.

"A letter which I have received from General Knox, who had just returned from Massachusetts, whither he had been sent by Congress, in consequence of the commotions in that State, is replete with melancholy accounts of the temper and designs of a considerable part of the people. Among other things he says: 'Their creed is, that the property of the United States has been protected from the confiscation of Britain by the joint exertions of *all*, and therefore ought to be *the common property of all*; and he that attempts opposition to this creed, is an enemy to equity and justice, and ought to be swept off from the face of the earth.' Again, 'they are determined to annihilate all debts, public and private, and have agrarian laws, which are easily effected by the means of unfunded paper money, which shall be a tender in all cases whatever.' . . . How melancholy is the reflection, that in so short a time we should have made such large strides towards fulfilling the predictions of our transatlantic foes!—"Leave them to themselves, and their government will soon dissolve.' Will not the wise and good

strive hard to avert this evil? Or will their supineness suffer ignorance, and the arts of self-interested, designing, disaffected, and desperate characters, to involve this great country in wretchedness and contempt?"

"It is with the deepest and most heartfelt concern, (writes Washington soon after to General Humphreys,) that I perceive, by some late paragraphs extracted from the Boston papers, that the insurgents of Massachusetts, far from being satisfied with the redress offered by their General Court, are still acting in open violation of law and government, and have obliged the Chief Magistrate, in a decided tone, to call upon the militia of the State to support the Constitution. What, gracious God! is man, that there should be such inconsistency and perfidiousness in his conduct? It was but the other day, that we were shedding our blood to obtain the Constitutions under which we now live, — Constitutions of our own choice and making, — and now we are unsheathing the sword to overturn them. The thing is so unaccountable, that I hardly know how to realize it, or to persuade myself that I am not under the illusion of a dream."

I might cite a hundred other evidences of the alarm which this rebellion in Massachusetts excited throughout the Union. '*Proximus ardet Ucalegon.*' No one knew whose house would catch next, or how soon the whole nation might be involved in the flames of civil war. It was regarded, like the late rising of the Communists and Red Republicans of Paris, as menacing the very existence of the system against which it was aimed, and as threatening the whole experiment of free government with explosion and failure.

"These combinations, (says Judge Lowell,) were extensive and formidable, and perhaps there was a time in which it was uncertain, whether even a majority of the people were not at least in a disposition not to *oppose* the progress of insurgency." Well did he add, that "Bowdoin was at this time in a situation to try the fortitude and resources of any man."

Among other difficulties with which he had to contend, was that of an empty treasury and a prostrate credit. I have myself heard the late venerable Jacob Kuhn say, that having occasion to buy fuel for the winter session of the Legislature in 1786,

and there being no money in hand to pay the bills, he could find no one who would furnish it on the credit of the Commonwealth, and he was obliged to pledge his own personal responsibility for the amount! The credit of this humble but honest and patriotic Messenger of the General Court was thus better than that of the Commonwealth itself! But an appeal was made, where it has never been made in vain, to the merchants and other men of property of Boston, and was seconded by the liberal example of Bowdoin himself, and funds enough were speedily raised, by voluntary subscription, for carrying on the measures of defence, which had now become necessary for the safety of the State. A special session of the Legislature was convened; the militia in all parts of the Commonwealth were called on to hold themselves in readiness for service, and many of them summoned at once into the field; and after a few months of vigilant and vigorous exercise of the whole civil and military power which the Constitution and the laws intrusted to him, Bowdoin had the unspeakable happiness to find Order again established, Peace restored, and Liberty and Law triumphantly reconciled.

He had excellent counsellors about him, and gallant officers under him, in this emergency; and he knew how to employ them and trust them. The brave and admirable Benjamin Lincoln, to whom the chief command was assigned, and who, in conducting the principal expedition against the insurgents, gathered fresh laurels for a brow already thickly bound with the victorious wreaths of the Revolution; the gallant John Brooks, afterwards the distinguished and popular governor of the State; the chivalrous Cobb, who, being at once chief justice of the Bristol courts and commander of the Bristol militia, declared he "would sit as a judge, or die as a general;" the prudent yet fearless Shepard; these, and many more whom the accomplished Minot, in his history of the rebellion, has sufficiently designated, rendered services on the occasion which will never be forgotten. But nobody has ever doubted that, to the lofty principle, the calm prudence, the wise discretion, and the indomitable firmness of Bowdoin, the result was primarily due, and that his name is entitled to go down in the history of the country, as preëminently



the leader in that first great vindication of Law and Order within the limits of our American Republic.

In the course which he was obliged to pursue, however, for this end, cause of offence could hardly fail of being given to large masses of the people. An idea, too, extensively prevailed, that Bowdoin would be sterner than another in enforcing the punishment of the guilty parties, and stricter than another in exacting the payment of the taxes still due. During the latter part of the year, too, the Legislature had passed a bill reducing the Governor's salary; and Bowdoin, holding this measure to be inconsistent at once with the true spirit and with the express letter of the Constitution, had not scrupled to veto it. He clearly foresaw that this act would conspire with other circumstances in preventing his reelection to the executive chair. He resolved, however, not to shrink from the canvass, nobly declaring, that "his inclination would lead him to retirement, but if it should be thought he could be further serviceable to the Commonwealth, he would not desert it." *Defendi rempublicam adolescens; non deseram senex.*

His predictions were realized, and at the next election, Hancock, having accepted a nomination in opposition to him, was again chosen Governor of Massachusetts. It would have been an ample compensation for any degree of mortification which Bowdoin could have felt at this defeat, could he have known, as he doubtless did before his death, and as is well understood now, that the ratification of the Federal Constitution by the Convention of Massachusetts was unquestionably brought about by this concession on the part of his political friends to the demands of their opponents. He would have counted no sacrifice of himself too great to accomplish such a result.

But Bowdoin was to be permitted to aid in the accomplishment of that result in a more direct and agreeable manner. Once more, and for the last time, he was to be employed in the service of the Commonwealth and the Country. A Constitution, embodying the great principle of *the Regulation of Trade by a General Union*, was at length framed by the National Convention at Philadelphia, and submitted to the adoption of the people. The Massachusetts Convention assembled to consider it

in January, 1788. Bowdoin was a delegate from Boston, and had the satisfaction of finding his son by his side, as a delegate from Dorchester. Both gave their ardent and unhesitating support to the new instrument of government, and both made formal speeches in its favor.

The elder Bowdoin concluded his remarks with a sentiment, which will still strike a chord in every true American heart, —

“ If the Constitution should be finally accepted and established, it will complete the temple of American liberty, and, like the keystone of a grand and magnificent arch, be the bond of union to keep all the parts firm and compacted together. May this temple, sacred to liberty and virtue, — sacred to justice, the first and greatest political virtue, — and built upon the broad and solid foundation of perfect union, — be dissoluble only by the dissolution of nature! and may this Convention have the distinguished honor of erecting one of its pillars on that lasting foundation!”

It was Bowdoin's happiness to live to see this wish accomplished, to see the Federal Constitution adopted and the Government organized under it, and to welcome beneath his own roof his illustrious friend, General Washington, on his visit to Boston in 1789, as the First President of the United States.

He was now, however, a private citizen, and had transferred his attention again to those philosophical pursuits, which had engaged him in his earliest manhood. Indeed, his interest in literature and science had never been suspended. A little volume of verses, published anonymously by him in 1759, proves that poetry as well as philosophy was an object of his youthful homage. He was long connected with the Government of Harvard College, and always manifested the most earnest devotion to her welfare. In 1780, he was foremost among the founders of the American Academy of Arts and Sciences, and was their President from their first organization to his death. To the transactions of the Academy he contributed several elaborate Memoirs, in regard to which I borrow the language of the accomplished Lowell, who, at the request of the Academy, pronounced the eulogy from which I have already repeatedly quoted, and who, undoubtedly, gave utterance to the judgment of his learned associates.

"The first, (says he,) was an ingenious and perspicuous vindication of Sir Isaac Newton's Theory of Light from objections which Dr. Franklin had raised. The two others were also on the subject of Light; and an attempt to account for the manner in which the waste of matter in the sun and fixed stars, by the constant efflux of light from them, is repaired.

"These Memoirs (he adds) afford conclusive evidence that Mr. Bowdoin was deeply conversant in the principles of natural philosophy; and though the latter memoir suggests a theory which may be liable to some objections, yet the novelty of it and the ingenious manner in which he has considered it, discovers an inquisitive mind, and a boldness of ideas beyond those, who, though learned in the knowledge of others, are too feeble to venture on new and unexplored paths of science."

The correspondence between Bowdoin and Franklin on questions of science was now renewed, and it will be interesting, I am sure, to follow them once more, for a single moment, in some of the speculations of their closing years. "Our ancient correspondence (says Franklin, in a letter dated 31st May, 1788,) used to have something philosophical in it. As you are now free from public cares, and I expect to be so in a few months, why may we not resume that kind of correspondence?" And he then proceeds to suggest some fifteen or twenty questions, relating to magnetism and the theory of the earth, for their mutual consideration and discussion. Among others, he inquires, "May not a magnetic power exist throughout our system, perhaps through all systems, so that if a man could make a voyage in the starry regions, a compass might be of use?"

Bowdoin, in his reply of June 28, 1788, after expressing his doubt whether Franklin would even yet be spared from the public service, proceeds to say,— "If, however, you choose to recede from politics, it will be a happy circumstance in a philosophical view, as we may expect many advantages to be derived from it to science. I have read, (says he,) and repeatedly read, your ingenious queries concerning the cause of the earth's magnetism and polarity, and those relating to the theory of the earth. By the former, you seem to suppose that a similar magnetism and polarity may take place, not only throughout the

whole solar system, but all other systems, so that a compass might be useful, if a voyage in the starry regions were practicable. I thank you for this noble and highly pleasurable suggestion, and have already enjoyed it. I have pleased myself with the idea that, when we drop this heavy, earth-attracted body, we shall assume an ethereal one; and, in some vehicle proper for the purpose, perform voyages from planet to planet, with the utmost ease and expedition, and with much less uncertainty than voyages are performed on our ocean from port to port. I shall be very happy in making such excursions with you, when we shall be better qualified to investigate causes, by discerning with more clearness and precision their effects. In the mean time, my dear friend, until that happy period arrives, I hope your attention to the subject of your queries will be productive of discoveries useful and important, such as will entitle you to a higher compliment than was paid to Newton by Pope, in the character of his Superior Beings; with this difference, however, that it be paid by those Beings themselves.\*

Little dreamed these veteran philosophers and friends, how soon the truth of their pleasant theories was to be tested, and how almost simultaneously they were indeed about to enter upon an excursion to the stars! On the 17th of April, 1790, Franklin died, at the advanced age of eighty-four years. On the 6th of November, of the same year, at the earlier age of sixty-four years, borne down by the pressure of severe disease, Bowdoin followed him to the grave.

The death of Bowdoin was in admirable keeping with his life. "Inspired by religion, (says the obituary of the time,) and upheld by the Father of Mercies, he endured a most painful sickness with the greatest firmness and patience, and received the stroke of death with a calmness, a resignation, and composure, that marked the truly great and good man."

He had not contented himself with a life of unstained purity and unstinted benevolence; nor had he postponed the more serious preparations for death to the scanty and precarious

\* "Superior Beings, when of late they saw  
A mortal man unfold all nature's law,  
Admir'd such wisdom in an earthly shape,  
And show'd a Newton as we show an ape."

opportunities of a last illness. He had embraced the religion of the Gospel at an early period of his life, upon studious examination and serious conviction. If his philosophic mind ever entertained doubts, he strove, and strove successfully, to remove them. He has left it upon record, that "Butler's Analogy" was of the greatest service to him in satisfying his mind as to the truths of Christianity. "From the time of my reading that book, (said he,) I have been an humble follower of the blessed Jesus;" and, as the moment of his dissolution drew nigh, he expressed his perfect satisfaction and confidence that he was "going to the full enjoyment of God and his Redeemer."

Rarely has the end of a public man in New England been marked by evidences of a deeper or more general regret. "Great and respectable (we are told) was the concourse which attended his funeral; every species of occupation was suspended; all ranks and orders of men, the clergy and the laity, the magistrate and the citizen, men of leisure and men of business, testified their affection and respect by joining in the solemn procession; and crowds of spectators lined the streets through which it passed, whilst an uncommon silence and order everywhere marked the deepness of their sorrow."

Such were the becoming tokens of public respect for the memory of one who had devoted no less than thirty-six years of his life to the service of his Commonwealth and his Country; who had sustained himself in the highest offices of trust and responsibility, and in the greatest emergencies of difficulty and danger, without fear and without reproach; and of whom it is not too much to say, that he had exhibited himself always the very personification of that just and resolute man of the Roman poet, whom neither the mandates of a foreign tyrant, nor the menaces of domestic rebels, could shake from his established principles.

*"Justum, et tenacem propositi virum  
Non civium ardor prava jubentium,  
Non vultus instantis tyranni,  
Mente quatit solidâ."*

I can find no other words for summing up his character, than the admirable sentence of Judge Lowell:

"It may be said that our country has produced many men of as much genius; many men of as much learning and knowledge; many of as much zeal for the liberties of their country; and many of as great piety and virtue; but is it not rare indeed, to find those in whom they have all combined, and been adorned, with his other accomplishments?"

Governor Bowdoin was early married to Elizabeth Erving, a lady of most respectable family and of most estimable qualities, who, with their two children, survived him.

Of his only son, James Bowdoin, I need say nothing in this presence and on this spot. He was known elsewhere as a gentleman of liberal education and large fortune, repeatedly a member of both branches of the Legislature of Massachusetts, and who received from Mr. Jefferson the appointments successively of Minister Plenipotentiary to the Court of Spain, and Associate Special Minister with General Armstrong to the Court of France. He is known *here* by other and more enduring memorials. He died without children; but it was only to give new attestation to that quaint conceit of Lord Bacon's, — "Surely a man shall see the noblest works and foundations have proceeded from childless men; who have sought to express the images of their minds, where those of their bodies have failed: so the care of posterity is most in them that have no posterity."

With him the name of Bowdoin, by direct descent in the male line, passed away from the annals of New England; but, even had there been no collaterals and kinsfolk worthy to wear, and proud to adopt and perpetuate it, the day, the place, the circumstances of this occasion, afford ample evidence that it has been inscribed where it will not be forgotten. When Anaxagoras of Clazomene was asked by the Senate of Lampsacus how they should commemorate his services, he replied, "By ordaining that the day of my death be annually kept as a holiday in all the schools of Lampsacus." And, certainly, if any man may be said to have taken a bond against oblivion, it is he whose name is worthily associated with a great institution of education. Who shall undertake to assign limits to the duration of the memories of Harvard, and Yale, and Bowdoin, and the rest, as long as another, and still another generation of young men shall

continue to come up to the seats of learning which they have founded, and to go forth again into the world with a grateful sense of their inestimable advantages? The hero, the statesman, the martyr, may be forgotten; but the name of the Founder of a College is written where it shall be remembered and repeated to the last syllable of recorded time. *Semper — semper honos, nomenque tuum, laudesque manebunt!*

And may I not add, Mr. President and Gentlemen, in conclusion, that the name of Bowdoin is intrinsically worthy to be held in such perpetual remembrance? Do not the facts which I have thus imperfectly set before you, justify me in saying, without the fear of being reproached even with a not unnatural partiality, that there are few names in our country's history, which will better bear being held up before the young men of New England, as the distinguishing designation of their *Alma Mater*?

The mere money which endows a school or a college, is not the only or the highest contribution to the cause of education or improvement. It may have been acquired by dishonorable trade or accursed traffic. It may have been amassed by sordid hoardings, or wrung from oppressed dependents. It may carry with it to the minds of those for whom it provides, the pernicious idea, that a pecuniary bequest may purchase oblivion for a life of injustice and avarice, or secure for the vile and the infamous that ever fresh and fragrant renown, which belongs to the memory of the just.

The noblest contribution which any man can make for the benefit of posterity is that of a good character. The richest bequest which any man can leave to the youth of his native land, is that of a shining, spotless example.

Let not, then, the ingenuous and pure-hearted young men, who are gathered within these walls, imagine that it is only on account of the munificence of the younger Bowdoin, that I would claim for the name their respect and reverence. Let them examine the history of that name through four successive generations; let them follow it from the landing at Casco to the endowment of the College; let them consider the religious constancy of the humble Huguenot, who sought freedom of conscience on the shores of yonder bay; let them remember the

diligence, enterprise, and honesty of the Boston Merchant; let them recall the zeal for science, the devotion to liberty, the love for his country, its constitution and its union,—the firmness, the purity, the piety of the Massachusetts Patriot; and let them add to these the many estimable and eminent qualities which adorned the character of their more immediate benefactor; and they will agree with me, and you, Gentlemen, will agree with them, that it would be difficult to find a name in our history, which, within the same period of time, has furnished a nobler succession of examples for their admiration and imitation. And neither of you, I am sure, will regret the hour which has now been spent, in once more brushing off the dust and mould which had begun to gather and thicken upon memories, which, in these Halls at least, will never be permitted to perish.



## NOTE.

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### PROCEEDINGS OF THE LEGISLATURE OF MASSACHUSETTS, IN FAVOR OF A CONVENTION TO REVISE THE ARTICLES OF CONFEDERATION.

[See page 43.]

*Resolve, recommending a Convention of Delegates from all the States, for the purpose mentioned, July 1, 1785.*

As the prosperity and happiness of a nation cannot be secured without a due proportion of power lodged in the hands of the Supreme Rulers of the State, the present embarrassed situation of our public affairs must lead the mind of the most inattentive observer to realize the necessity of a revision of the powers vested in the Congress of the United States, by the articles of confederation.

And as we conceive it to be equally the duty and the privilege of every State in the Union, freely to communicate their sentiments to the rest on every subject relating to their common interest, and to solicit their concurrence in such measures as the exigency of their public affairs may require :—

Therefore, Resolved, That it is the opinion of this Court, that the present powers of the Congress of the United States, as contained in the Articles of Confederation, are not fully adequate to the great purposes they were originally designed to effect.

Resolved, That it is the opinion of this Court, that it is highly expedient, if not indispensably necessary, that there should be a convention of delegates from all the States in the Union, at some convenient place, as soon as may be, for the sole purpose of revising the Confederation, and reporting to Congress how far it may be necessary to alter or enlarge the same.

Resolved, That Congress be, and they are hereby requested to recommend a Convention of Delegates from all the States, at such time and place as they may think convenient, to revise the Confederation, and to report to Congress how far it may be necessary, in their opinion, to alter or enlarge the same, in order to secure and perpetuate the primary objects of the Union.

## LETTER TO THE PRESIDENT OF CONGRESS.

SIR, — Impressed with the importance and necessity of revising the powers of the United States in Congress assembled, the General Court of the Massachusetts have taken the subject under their serious consideration, and have adopted the inclosed resolutions, which you are requested to communicate. Should the nature and importance of the subject appear to Congress in the same point of light that it does to this Court, they flatter themselves, that Congress will so far endeavor to carry their views into effect, as to recommend a Convention of the States, at some convenient place, on an early day, that the evils so severely experienced from the want of adequate powers in the Federal Government may find a remedy as soon as possible.

As a perfect harmony among the States is an object no less important than desirable, the Legislature of the Massachusetts have aimed at that unassuming openness of conduct, and respectful attention to the rights of every State in the Union, as they doubt not will secure their confidence, and meet the approbation of Congress.

A circular letter to the States is herewith transmitted to Congress, which they are requested to forward, with their recommendation for a Convention of Delegates from the States, if they should so far concur in sentiment with the Court, as to deem such a recommendation advisable.

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TO THE SUPREME EXECUTIVE OF EACH STATE.

The unequal footing on which we find ourselves placed by all the powers with whom we have any commercial intercourse, has produced consequences too extensive not to be universally felt, and too important to be longer neglected.

As commerce, and our national credit and importance, must decline, unless our Representatives in Congress are vested with more efficient powers, we cannot doubt of your ready concurrence in measures necessary to accomplish so important a purpose.

We have, by a Resolve of this day, made application to the United States in Congress assembled, for such recommendation to the several States as shall be thought most conducive to the purposes aforesaid, a copy of which Resolve, with the letter inclosing it, addressed to the President of Congress, is herewith transmitted you. Should you be in sentiment with us, that the measures proposed are the proper expedients to relieve us from the national embarrassments we labor under, you are requested to signify your approbation of them to Congress, as early as possible.

## TO THE DELEGATES OF THIS STATE IN CONGRESS.

GENTLEMEN,— You have herewith transmitted you, copies of a Resolve of the General Court, accompanied by a letter to the President of Congress, and a Circular Letter to the States, upon business of the greatest importance to this, as well as every State in the Union, as you will readily perceive by a perusal of them.

You are, therefore, directed to take the earliest opportunity of laying them before Congress, and making every exertion in your power to carry the object of them into effect, and to give notice to the Governor as early as possible of the success of such application.

Resolved, That his Excellency the Governor be, and he is hereby requested, in behalf of the Legislature, to sign the foregoing letter to the President of Congress, the Supreme Executive of the several States, and to the Delegates of this Commonwealth in Congress, and to forward them accordingly.

# FREE SCHOOLS AND FREE GOVERNMENTS.

A LECTURE DELIVERED BEFORE THE BOSTON LYCEUM,  
DECEMBER 20, 1838.

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I HAVE chosen no new topic for the subject of this evening's lecture ; nor can I promise you any display of that rare faculty, which commands for an old subject new attention and commends it to fresh embraces, by exhibiting it in unworn robes and surrounding it with unwonted illustrations. It is my purpose to deal with old truths in the old way, and I must trust to the intrinsic importance and universal interest of those truths to secure for them a willing and patient attention.

It cannot fail to have been remarked by every intelligent observer of passing events, that the subject of Popular Education has attracted, within a few years past, a much larger share of both public and private attention than it formerly enjoyed. Evidences of an increased private attention to it may be seen in the various Conventions, Associations, and Institutes which are meeting daily upon the subject in all parts of the country. Proofs of an enlarged public regard for it may be found in the recent establishment, by the Legislatures of many of the States, of School Funds and Boards of School Commissioners. While the still more recent appropriation in our own Commonwealth of a considerable sum of money, in connection with the noble donation of Mr. Edmund Dwight, to institute the experiment of what are called Normal Schools, may be hailed as a cheering assurance that private munificence and public liberality are not, upon this subject as upon some others, seeking opposite or even separate ends, nor have any tendency to counteract or discourage each other, but are ready and resolved to coöperate together in promoting this great cause.

But it is not only in the United States that a new regard for popular education has been recently manifested. In England, in France, and in many other parts of Europe, and most of all in those parts where least of all we should have expected it and last of all looked for it, the education of the people has become a matter of the most prominent public and private concern. In Prussia, in Austria, and even in Russia, a Free Popular School System has been silently springing up, which for completeness and efficiency seems to have had no precedent in time past, and certainly has no parallel at the present day;—a system, says Professor Stowe of Ohio, “more complete and better adapted to develop every faculty of the soul, and to bring into action every capability of every kind that may exist even in the poorest cottage of the most obscure corner of those kingdoms than has ever before been imagined.”

Professor Stowe, you may remember, was employed by the Legislature of Ohio to procure information upon this subject during his recent travels in Europe, and his report, containing an interesting account of the Prussian School System, both as it exists at home and as already extended to the other countries which I have named, was reprinted, by the Legislature of our own Commonwealth at their last session, for the information of the school teachers and the instruction of the schools of Massachusetts.

Among the many striking occurrences of these wonder-teeming times, hardly any one seems calculated to make a stronger impression upon a reflecting New England mind than this. If there has been any thing upon which New Englanders have been accustomed to think that they might pardonably pride themselves, it has been their Free School System. While others have been boasting of the fertility of their soils and the salubrity of their climates, we have been content to be jested about our rocks and ice, our east winds and consumptions, while we could point to institutions of popular education which were admitted to be models for the world. And year after year, as our sons and daughters have swarmed out from the old New England hive and sought better soils and brighter skies in the distant West, we have commended these cherished institutions

to them with our parting tears, and counted it among our most precious consolations under the bereavement, that by them and in them New England principles would be planted and perpetuated thousands of miles over the mountains. How harshly, then, does it strike upon our eyes and ears and hearts, to see other institutions now sought out as examples, to have other schools made the subject of praises so long awarded to ours, and to feel that New England will soon be called on to acknowledge and admire, in the intellectual fields and gardens of our country, 'strange leaves and fruits not her own,' — *novas frondes et non sua poma*. Above all, how stern and stoical a philosophy does it require, not only to acquiesce in the justice of all this, not merely to give the assent of silence to the sentence which supersedes us in our most cherished field of competition, but even to unite, as we have done, in transferring the very diadem of our beauty and our pride to other heads!

But this view of the circumstance to which I have alluded, comprises but a small portion of its impressive character. Had the Free School System of New England been obliged to relinquish its claims upon the admiration and imitation of the world in favor of similar institutions upon our own American soil, — had some thrifty scion of our own raising outshot the parent stock, and were it now standing by its side to cast upon it no greater disparagement than that of being "the lovely mother of a lovelier daughter," — our vanity might have been healed by the very blow which wounded it, and we should have been compensated for the immediate honors we had lost, by the derivative and reflected glory we had acquired. But far different has been our fate. Robbed of our own richest and proudest distinction, we are compelled to see it claimed and enjoyed by those, whom we have been accustomed to regard with feelings only oscillating between pity and contempt, and with whose intellectual, moral, or political condition we should have scorned to claim, or even to admit, any connection or sympathy. The ignorance and degradation of Prussian hirelings, and Austrian bondsmen, and Russian serfs, have so long been the theme of our wholesale declamations, and have constituted so completely the sum and substance of all our

associations with those regions of the earth respectively, that as little should we have expected any good thing out of either of them, as an ancient Jew did out of Nazareth. Yet, from these very mountains of darkness and valleys of the shadow of death, a light has sprung up, of whose rays we are now glad to borrow.

What would our Pilgrim Fathers have thought of it; what would the Puritan schoolmasters have said to it; what would the founders and patrons of our schools and colleges, whether of the Pilgrim or the Patriot age—the Harvards, the Mathers, the Cheevers, and the Lovells—have said, had it been foretold to them, that no sooner had the trans-Alleghany region of this continent begun to be cleared and settled, and before even the first generation of its emigrant population had passed away, it should be found turning its eyes to find models for institutions of education,—not to the old, time-honored Free Schools of New England, which were the scene of their labors and the subject of their prayers; not even to the older and hardly less honored academies and colleges of old England, the common mother of us all;—but to institutions for public instruction established by the most arbitrary and despotic Governments, and among the most benighted and enslaved peoples of Europe,—and should be seen actually sending an embassy across the ocean to obtain the most accurate and detailed information as to their system and discipline? Would they not almost as soon have believed, that the destined dwellers on the banks of the Beautiful River, (as the native American well designated the Ohio,) would have one day imported in the egg a cargo of Hessian flies to feed and fatten on their ripening wheatfields; or that they would have panted themselves to exchange their tempered and genial climate for “the thrilling regions of thick-ribbed ice,” which constitute so large a part of the empire of the Czar!

But there is still another view of the facts to which I have referred, which suggests reflections of a far higher and more important character than either of those which have yet been presented, and which relates not so much to our pride as New Englanders, as to our prosperity and welfare as freemen. We have been accustomed to regard a free school system as the

chief corner-stone of our Republic, and popular education as the only safe and stable basis for popular liberty. So thought our fathers before us, and the principle may be found interwoven in a thousand forms into the very thread and texture of our political institutions. Education, — religious and civil, the education of the sanctuary and of the school-house, — was, we all know, from the first establishment of these Colonies, a matter in regard to which all property was held in common, and every man bound to contribute to the necessities of every other man; as much so as personal protection, public justice, or any other of the more obvious duties of government, or rights of the governed. "To this celestial and this earthly light," to use the language of Daniel Webster, every man was entitled by the fundamental laws, and as a part of that provision for the security of free men and the maintenance of free institutions, which it was the purpose of those laws to establish. A conscientious scruple of later years, which I am willing to respect in others, even if I do not quite feel the force of it myself, has stricken off religious education from the pay-roll of the State, and left every man not only to consult his own will, but to depend on his own means, in seeking for the light celestial. But the terrestrial light, the education of the week-day and of the earthly man, from which all care of his spiritual nature, it is hoped, is not entirely excluded, is still provided at the public cost, and the Free Common School system is still cherished as sacredly as ever, as the only sure foundation for the Republican fabric.

How is it, then, that we now find the most arbitrary and despotic Governments of the Old World adopting this same system as a security for their own stern dominations, and carrying it into operation at immense expense and upon an unparalleled scale, with as much apparent confidence that it will answer their own tyrannical ends, as if they were only manning a new fleet, or mustering a new standing army? Have we on this side of the waters been all, and all along, mistaken in our estimate of the political consequences of popular education? Were our Puritan Fathers led away by erroneous prepossessions, which the winds and waves of three thousand miles of wintry ocean had not uprooted, or were they only chasing some *ignis*



*fatuus* of wilderness origin and growth, when they devoted their earliest attention to the establishment of common schools and colleges? Was it a false philosophy, a misguided foresight, a deluded sagacity, which led the patriot framers of our State Constitution to declare, in the language of John Adams, one of the noblest of their number, that "wisdom and knowledge, as well as virtue, diffused generally among the body of the people, were necessary for the preservation of their rights and liberties," and to make it the constitutional duty "of Legislatures and Magistrates, in all future periods of the Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them?" Have we, from first to last, been harboring and cherishing in our bosoms an insidious and treacherous foe to our freedom? Has an emissary of despotism, in the borrowed robes of an Angel of Liberty, been admitted unawares to our society and entertainment? Or is Popular Education merely neutral and non-committal in its political tendencies, and are Free Schools utterly indifferent in their influence upon political institutions? Will they serve as well, and may they be relied on as safely, for the bulwarks of an arbitrary and impetuous dominion, as for the basis of a free Republican government? Do our enormous annual contributions of time and money to the cause of public instruction afford us no new or additional guaranty for the progress of free principles, and leave our democratic institutions in no less danger of downfall or overthrow? And will the hirelings and mercenaries of Austria and Prussia muster as promptly, and march as steadily, to execute the mandates of individual or of allied monarchs, after they have learned to read and write, as they did before? And the Autocrat of all the Russias—will he sit as easy on his throne of state, and sway his sceptre as unceremoniously over an enlightened, intelligent, and educated people, as he did while they were benighted, degraded, and ignorant?

I know that but one answer would be given to these questions by all whom I address, and I am quite sure that it would be the right answer. But I cannot help thinking that, in view of the events on the other side of the waters to which I have referred, not a few of us may be glad to have the faith that is

in us refreshed, and some of the reasons of that faith newly impressed upon our minds, by dwelling for a few moments on the political bearings of Popular Education, and upon the influence of Free Schools in establishing and supporting Free Governments.

It has often been remarked, that much apparent difference of opinion might be reconciled, and much of angry controversy avoided, if men could agree in advance upon the meaning and definition of the terms, which are employed to designate the subject matter in debate. And we daily observe discussions, which commenced with a formidable array of most opposite and conflicting principles, gradually dwindling down into a mere dispute about words, and ending in an appeal to the last edition of Walker's or Webster's Dictionary. Let me, then, so far provide against any controversy which might originate in a mere disagreement about words, as to state explicitly at the outset my understanding of the phrases, Popular Education and Free Government; and if, in doing so, I shall seem to have settled the whole question, the patience of my hearers will be the sooner relieved.

In attempting to describe Popular Education, I am not about to discuss systems of education. I have no new-fangled theories to advance as to the age at which education should commence, the mode in which it should be pursued, or the matters with which it should deal. The education to which I refer, it is never too early, and never entirely too late, to commence, and towards it there is neither royal road nor railroad which can claim a monopoly of the travel. It is not classical learning. It is not scientific acquirement. It is not a knowledge of dead languages or of living. "Though a linguist (says John Milton) should pride himself to have all the tongues which Babel cleft the world into, yet if he have not studied the solid things in them, as well as the words and the lexicons, he were nothing so much to be esteemed a learned man, as any yeoman or tradesman competently wise in his mother dialect only." But it is not the study of these solid things either, which constitutes the education which I have in my mind. It is not the science of elements, any more than of alphabets. It is not the knowledge

of the materials of the earth, the powers of the air, or the motions of the stars. In reference to the education of which I speak,

"Those earthly godfathers of heaven's lights  
That give a name to every fixed star,  
Have no more profit of their shining nights  
Than those that walk and wot not what they are."

Let me not seem to speak lightly of the study of languages or the science of astronomy. The power and presence of the Spirit of Truth were once attested by the possession of tongues; and it is an attribute to God himself that "he telleth the number of the stars, and calleth them all by their names." I desire only to convey in the most emphatic manner the idea, that in speaking of education, I refer not to modes, but to results; not to instruments, but to operations; not to ways, but to ends. Reading and writing are excellent accomplishments; but the time has gone by when they could save a man's neck from the gallows; and they never did, and never can, establish or maintain the life and liberty of a nation. The ancient languages are golden keys for unlocking the stores of wit and eloquence and poesy; but evil spirits have long since refused to be exorcised by a sentence of Latin, and the words of life may as certainly be found in a vernacular Testament, or even in John Eliot's Indian version, as if they were hunted for in the original Greek, or in the Complutensian Polyglott itself. A man's memory may be tasked and strained till it becomes a perfect encyclopædia, having the whole circle of science in its grasp, paged and indexed for use. A man's fancy may be chafed and charged till it will sparkle and lighten of its own mere exuberance and incontinency. A man's observation may be quickened and informed till it can read and translate at sight every sign and character and composition of Nature and of Art. And beautiful ornaments to a true education do such faculties form in himself, and powerful aids in imparting a true education to others. But they neither constitute that education, nor are necessary either to its attainment or communication. Wretched, indeed, would be the lot of the every-day man, if his happiness, his advancement, his liberty, depended on powers like these. The doctrine that would

make his enjoyment of freedom conditional upon such acquisitions, would doom the daily laborer for his daily bread to perpetual servitude.

Such then, certainly, is not that popular education whose influence upon Free Governments I proposed to consider. No ; I speak not of the attainment of positive knowledge, but of the preparation of negative faculties,—not of the introduction and inculcation of any thing that is without a man, but of the development and expansion of what is within a man, and *within every man*. I speak of education as distinguished from instruction. Instruction is the communication of knowledge. Education is the formation of the mind, the regulation of the heart, the establishment of the principles, the educing or drawing out and training up of the whole moral and intellectual nature of man. I speak of intelligence,—whether sharpened by the observation of signs or of things signified, of sounds or of substances. I speak of judgment,—whether disciplined in the school of an abstract philosophy, or rectified by the standard of a practical experience. I speak of passions,—not crushed and eradicated—God never planted such mighty impulses within us to be plucked up and thrown away—but controlled and directed;—of passions, not paralyzed and deadened, but purged of their corrupt fires and lawless lusts, and quickened to the scent and the pursuit of purity and truth;—of passions, not hunted down and destroyed like beasts of prey, but reclaimed from their wild nature, tamed, broken, and harnessed to the car of Virtue and the Graces. I speak of conscience,—not abandoned to accidental promptings, occasional twinges, wayward and capricious impulses, and made the plea, if not the pretence, of all sorts of whimsical opinions and extravagant acts; but instructed, informed, enlightened by human reason and divine revelation, until it can no longer be confounded with an obstinate prepossession or a blind self-will, and then excited and stimulated to a vigilant and constant monitorship;—of conscience, not left in the dim, deceptive twilight in which it first reveals itself to the human breast, betokening rather the approach, than the presence, of a Divine Day within us; but saluted, cherished, worshipped, and ushered up, until it has advanced from an unrisen to a meridian

and never-setting luminary. Or rather I speak of all these faculties united and harmonized, the intelligence furnishing materials for the judgment, and the passions supplying a stimulus to the intelligence, and the judgment, the passions, and the intelligence, alike and together, all brought to the service, submitted to the control, and doing homage to the supremacy of a pure and enlightened conscience. Place powers, thus combined, thus proportioned, and in this state of coöperation, into a sound and healthy frame, and you have a true education personified. Such a man may speak many languages with fluency, or only his own with hesitation; his talk may be of bullocks or of the Great Bear; his hand may direct a pen or wield a sledge-hammer; his occupation and his outward show may be as high and glaring, or as humble and unostentatious as may be; still, in the best sense of the term, he will be an educated man. He will be a good man. He will be a good citizen;—prepared to understand his own rights and maintain them,—to understand other people's rights and respect them,—to understand his own duties and discharge them, whether to his country or his God, his neighbor or himself. Above all, he will have acquired that indispensable qualification for any participation in that great work of governing the State, which liberty imposes on every free citizen, — *the ability to govern himself.*

And this power of intelligent, individual, self-government, I regard, in one word, as the best result and noblest achievement of all true education. An intelligent, individual self-government, implying, as it clearly does in its most liberal interpretation, not merely a passive restraint upon whatever dispositions for doing evil, but also an active exercise of whatever faculties for doing good, the poorest or the wealthiest in either temporal possessions or intellectual powers may possess;—comprehending industry as well as temperance, beneficence as well as benevolence, self-devotion as well as self-denial;—this is the right aim, and, what is better, the certain end, of all true popular education. I leave to others to decide by what particular systems the greatest amount of this sort of education may be disseminated; but it is a consoling reflection, amid the diversity of opinions on this point, that it is the tendency of almost all conceivable systems

to produce some amount of it. Certainly, if there be any study or any science which has no tendency to produce this result, it is unworthy to be counted among the instruments or even the ornaments of a republican Free School. Of popular education, and especially of popular education in a free country, we may well adopt the language of Lord Bolingbroke, — “An application to any study that tends neither directly nor indirectly to make us better men and better citizens, is at best but a specious and ingenious sort of idleness, and the knowledge we acquire by it is a creditable kind of ignorance, nothing more.”

But I am in some degree anticipating remarks which belong to a different part of my argument, and I turn now to the other phrase of which I proposed to attempt some definition or analysis, — *Free Government*. If I mistake not, this expression is ordinarily employed to signify little else but a government in which the people possess, directly or indirectly, the supreme power. But I believe something more will be found necessary, in order to give the definition that completeness and exactness which may adapt it to any purposes of argument. Indeed, strictly considered, I doubt if it may not be said that the people always and everywhere possess the supreme power. In the lowest depths of African bondage, under the sternest sway of Asiatic despotism, the people, in one sense at least, though it seems a mockery to say so, still possess the power. Wherever the numerical strength and physical force of a nation is, whether its nominal government be that of an Autocrat, an Oligarchy, or a Democracy, there is alike the real supremacy. The immense standing armies which are so carefully clustered around administrations of an arbitrary sort, are a most significant attestation of this truth. Their glistening and ever-pointed bayonets tell always of a power above and beyond the existing administration, imperious and omnipotent as it may vaunt itself, of which that administration stands in constant awe, and against which it deems it prudent to maintain a watchful preparation. And even those standing armies themselves, what are they, after all, but the people themselves, or certainly vast masses of the people, and many times vast majorities of the people, either by rotation or simultaneously, manifesting their own power,

signalizing their own supremacy, and proclaiming, under the stimulus of an actual pay or an anticipated plunder, their sovereign will and pleasure that the government should be administered through the medium of the powers that be, and their willingness to do watch and ward in their support? The truth would seem to be, that political power must be always held either by, or at the will of, physical power; and, paradoxical though it may sound, the people, actively or passively, by positive administration or negative acquiescence, by consent expressed or the silence which implies it, are everywhere supreme. The mere possession of power by the people, therefore, cannot of itself comprehend the true idea of Free Government.

Nor (quitting, perhaps, too nice and refined an abstraction,) does an active assertion and positive exercise of power by the people necessarily constitute a Free Government. I have already illustrated this position, in part, by the instance of standing armies. But other illustrations may be found more congenial to our own political condition. The people of this Union, when they first fought themselves free from a foreign yoke, and assembled in their own unlimited sovereignty to frame a government for themselves, might have adopted, had they been inclined, a Constitution providing for an hereditary monarchy and a privileged nobility, as well as for an elective President and Senate. They might have placed the Trial by Jury and the Habeas Corpus, the Liberty of Speech and the Freedom of the Press, at the disposal of a single absolute will, as well as have guarded and guaranteed them each forever against all violation or infringement. And such a Constitution would have been no less an exercise of sovereign power by the American people, than that which they actually did adopt.

And even that which they did adopt, — the best which the world has ever seen, and which will be held up through all times and climes as the great original Proofsheet and Prototype of Free Constitutions, — who yet does not know that even under that Constitution oppressions may be practised, tyrannies perpetrated, freedom violated? Yes — a people whose first principle of association it is that all men are born free and equal, and who follow up that principle by holding all power in their own

hands, and administering their affairs through their own freely and frequently elected Representatives,—even such a people may yet fail, utterly fail, of fulfilling the true and perfect notion of a Free Government. It is a natural and necessary incident to such a condition that the will of the greater number should prevail, or, in other words, that a majority should rule. And it is a plain corollary to this position, that this majority, whenever they may chance to be provoked or tempted, may domineer and tyrannize over the minority. It has even been sometimes asserted that greater public wrongs may be, and have actually been, in this very way, committed, and greater pieces of tyranny perpetrated, under the name and forms of Free Government, than under any other political name or form whatever. I by no means admit that such is the legitimate result of these forms. But no forms can ever constitute complete securities for the existence or enjoyment of liberty. Established Constitutions and written Laws, must doubtless be regarded as a great advance in the progress of human freedom, when compared with the changing and capricious mandates of one or of many. But written laws are no substitute and no synonyme for just, and good, and equal laws. The first written laws of the ancient Jews, were the laws of *God*. But the first written laws of the ancient Greeks, were the laws of *Draco*. And from those days to these, laws have continued to be written at one time with a ray from Heaven, and at another with a finger of blood. It is, in short, both proved by experience, and plain enough to be perceived without any proof, that a majority may be arbitrary and tyrannical, both in making and in breaking laws, as well as an individual; and that a multitude, either in spite of, or it may be through the medium of, the best and freest forms and laws which can be contrived or executed, may as easily, and even more securely, wreak upon those within its control the impulses of its ignorance, its wilfulness, or its wickedness, as one or a few.

And here, if I mistake not, we have arrived at the precise consideration which must be attended to in obtaining a complete idea of Free Government. These arbitrary and tyrannical propensities must be controlled and quelled, and this ignorance, wilfulness, wickedness, from which they spring, must be enlight-



ened, restrained, and subdued, or Free Government cannot exist. The full idea of a Free Government, in other words, requires, not merely that power should be in the hands of the people, but that it should be in the hands of a moral, intelligent, and virtuous people. It requires not merely that a people should govern themselves, in the sense in which that phrase is generally used and understood,—in the sense, namely, of a majority governing the whole,—but that each and every one of the people should govern himself. Self-government, in one word, in its whole meaning, in both its senses, in its application to society as a mass, and to the individuals who are its members, is an essential element in any true and perfect definition of free government. In its latter, and least regarded application, more especially, it constitutes a paramount portion, a predominating ingredient of such a definition. Individual self-government,—the possession of power, and the exercise of power by man over himself—by intellect and conscience over mere appetite and passion,—this it is, and this alone, which can convert a merely popular government into a really Free Government; and this alone which can impart substance, vitality, solidity, to that liberty which otherwise is but a name and a form.

One of the operations of an intelligent, individual self-government towards this end, by chastening and disciplining those propensities which so often lead a majority to abuse the plenitude of their power to the oppression of the minority, I have just suggested. But its influence is even more important in another way,—I mean in removing the necessity of many laws which must otherwise be enacted, and in forming a substitute for much of what is ordinarily meant by government, which must otherwise be exercised. I would not be thought to imply by this remark that any complete and perfect substitute for civil government would be created, even were self-government in every person carried to the highest practicable extent. I have no belief that what is fashionably termed moral suasion, were it even successful in finding a hold upon every heart in the community, could abolish all occasion for the formal enactment, or even for the forcible execution of laws. I might even be disposed to dissent from the doctrine of Mr. Madison in the Fede-

ralist — that “if all men were angels, no government would be necessary.” Certainly while men are merely mortals, more or less of what is called government, organized and administered in some form or other, will be found indispensable to the existence of any thing like civilized society. Every association of men, in order to maintain itself a moment, must establish some rules of membership, and must lodge somewhere or other a power to enforce those rules when disregarded; and this constitutes the whole idea of government. Free Government, then, is not to be confounded with freedom from government, nor have they any thing in common either in their nature or results.

But as little is Free Government to be confounded with mere free forms of government. The quality and still more the quantity of the power which is exercised over any people, has quite as much influence in characterizing that people as a free people, as the source from which that power ultimately emanates, or the hands by which it is immediately wielded. Too much government has, if I mistake not, been one of the chief political curses of the world from the earliest ages, and it is indeed but another name, but a slight circumlocution for *tyranny* itself.

“Mark, then, Judges and Lawgivers,” — says nobly a great English writer whom I have before quoted, and so much of whose prose writings is worthy of being bound up in the same volume with his immortal epic — “Mark, then, Judges and Lawgivers, and ye whose office it is to be our teachers, for I will utter now a doctrine if ever any other, though neglected or not understood, yet of great and powerful importance to the government of mankind. He who wisely would restrain the reasonable soul of man within due bounds, must first himself know perfectly how far the territory and dominion extends of true and honest Liberty. As little must he offer to bind that which God hath loosened, as to loosen that which He hath bound. The ignorance and mistake of this high point hath heaped up one huge half of all the misery that hath been since Adam.”

It is a difficult task which Milton has here prescribed to the Civil Lawgiver, and one which not even his own divine genius and searching spirit has given us the means of fulfilling. The territory of true and honest Liberty has always been, and seems

always destined to be, a disputed territory, and its metes and bounds can neither be settled by ancient treaties nor modern arbitrations. As well might we take the *Periplus of Hanno* for the real circumnavigation of the earth, or the observations of a Chaldee shepherd for a complete catalogue of the heavens, as think to run out the landmarks of true and honest Liberty at the present day by the chains and stakes of a past age. Since Ultima Thule and Land's End were dotted down on the old charts of Freedom, a whole new hemisphere has been discovered. And where the ancient gazer at the heavens saw only the blended radiance of a "milky way," the modern political astronomer beholds myriads of distinct and full-orbed stars. Exploring expeditions, too, are ever traversing the globe, and telescopes ever pointed to the skies, which, though they may sometimes bring us back reports of floating islands, sunk as soon as seen, or mountains in the moon, are not unfrequently discovering new points of land, new passages of sea, and new lights in the firmament of Freedom. The principles of true and honest Liberty are indeed one and the same now and forever; and I am by no means sure that they were not as well understood by some of the philosophers and patriots of past days, as they are now or ever will be. But in the application of these principles to particular countries and conditions, a steady advance has been, is still, and, I hope and believe, is always destined to be going on. That which was the whole territory of true and honest Liberty a century ago, is now but a narrow corner of its possessions, and its boundaries are still spreading and spreading like those of the horizon itself to eyes of greater and greater elevations.

It is no part of my purpose, on this occasion, to give even my own view of the real reach or rightful dimensions of this still vexed territory, much less to volunteer a limit and circumscription for the view of others. These two propositions only I must advance and insist on, and they are at once evident enough to secure an instant assent, and ample enough to sustain the whole argument in which I am engaged. First, that true and honest Liberty in any age or country is nothing less than the largest extent, the highest degree, the widest enjoyment, the securest

possession of liberty, which is compatible with that amount of compulsory restraint which the maintenance of the social system or body politic imperatively requires;—and second, that the amount of this compulsory restraint which the social system will require for its preservation in any particular community, in the way of *civil* government, will be precisely proportioned to the amount of voluntary restraint which the individual members of that community impose upon themselves, in the way of *self*-government.

In practical conformity with these two propositions, we shall find, that the freer the institutions of government in any country are, the more do they presuppose the existence, and appeal to the exercise, of an intelligent and rational self-control among the citizens. And many of the operations of advancing freedom, which seem at first to have consisted in abolishing checks and breaking chains, will be discovered only to have changed the powers by which those checks must be applied, and to have transmuted the material of which those chains must be composed. Thus, in dispensing with the hourly presence and perpetual patrol of a standing army in our own American streets, than which nothing forms to a foreign eye a more impressive evidence, and hardly any thing to our own apprehension a more important element, of the freedom of our government,—it is certainly not intended to be implied, that brawls and riots and mobs are the rightful privileges of a republican people. Nor in abolishing all censorship of the press, and removing all restrictions upon the freedom of speech, is it designed to sanction the inference, that an unbridled indulgence in ribaldry, defamation, and blasphemy, constitute any part of the prerogative of a free citizen. No; in these and a thousand other cases which might be suggested, nothing is implied but that confidence in the intelligent and virtuous self-control of the people, which is one of the peculiar and most prominent characteristics of a Free Government. And whenever, in any particular case, this confidence in the voluntary abstinence of the people from the abuse of the liberties which they enjoy, is found to be misplaced, we rarely fail to see it followed by a resort to fresh restrictions of a compulsory character, by which the very use and existence of those liberties is curtailed or suspended.

It is not, I fear, enough considered, how great an influence may be exerted by the conduct and character of individual men, in determining the nature of the government which it may be practicable for any community to maintain, and the amount of freedom which it shall be in their power to enjoy; and how a few unprincipled and wilful persons, in any society, may render expedient and even necessary the adoption of new measures and the exercise of new powers of government, by which security can only be purchased at the cost of liberty. A handful of thoughtless or violent men, for instance, become engaged in a brawl. A multitude is attracted to the scene. Spectators are soon turned into actors. The unarmed ministers of the law are outnumbered and overpowered. Military force is called for and comes. The sternest and most summary justice is demanded and executed. Indictment, trial, verdict, juries, judges, witnesses, all the forms of law, all the guards of liberty, are sacrificed to the exigencies of the hour, and that worst of tyrannies, a martial domination, supplants, for a longer or shorter time, the mild and equal magistracy of the civil ruler;—and perhaps, after a few repetitions of the scene, a standing army begins to be thought necessary for the preservation of domestic peace. Or it may be that a single reckless or rapacious individual undertakes to fire the dwellings or pillage the property of a town or city. Prowling at midnight, he prosecutes his nefarious designs with an impunity and a success which rob every couch of rest and fright every eye from sleep, until a strict and disciplined patrol is organized, and the “all’s well” of the peaceful watchman gives place to the “stand, who’s there?” of an imperious and insolent *gendarme*.

Common-place instances are these, I fear, even to a New England apprehension, of the power of one or a few, by violating that great duty of self-government, which constitutes so essential an auxiliary to a free civil government, not merely to disturb the peace of society for the moment, but to derange the whole political system, to diminish the public liberty, and to force their fellow-men in mere self-defence into the adoption of arbitrary and despotic institutions.

I may sum up this head of my remarks in the fine language

of Mr. Burke — “ Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites ; in proportion as their love to justice is above their rapacity ; in proportion as their soundness and sobriety of understanding is above their vanity and presumption ; in proportion as they are more disposed to listen to the counsels of the wise and good in preference to the flattery of knaves. Society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without. It is ordained, in the eternal constitution of things, that men of intemperate minds cannot be free. Their passions forge their fetters.” Or, if I may be borne with in borrowing again from a Bard, to whom I am already so much indebted, I may express the same ideas in other phraseology,—

True Liberty

—— always with right reason dwells  
Twinn'd, and from her hath no dividual being;  
Reason in man obscured, or not obeyed,  
Immediately inordinate desires  
And upstart passions catch the government  
From reason, and to servitude reduce  
Man till then free.”

If I have not thus far occupied your attention to no purpose, but a moment more will be required to bring together the two terms, of which I have thus attempted some description and analysis, and to exhibit their mutual relation and reciprocal influence. I have stated the highest end and best operation of a true popular education to be the endowment of the individual man with the power, and his instruction in the exercise, of a conscientious, intelligent, enlightened self-government ;— and I have endeavored to show that this conscientious, intelligent, enlightened, self-government constitutes the whole basis, and much of the superstructure also, of what is properly understood by a free civil government ; and I need hardly say that it is no strained deduction or far-fetched inference, but an immediate and irresistible conclusion, from these premises, that the cause of a true Popular Education and the cause of Free Government are substantially one and the same cause, and that whoever and

whatever promotes and advances the one, by the same influence or the same effort promotes and advances the other.

But I may perhaps here be told, that I have rather stated what education ought to be, than what it is, and that however the Free Schools of America may propose as their ultimate object, that discipline of the moral and intellectual man which may best adapt him to the maintenance and enjoyment of liberty, it is not to be imagined, much less assumed, that the Free Schools of Prussia, Austria, and Russia, will pursue a course so directly calculated to overthrow the very governments by which they were originally instituted and are still supported and controlled. I will not undertake to determine how far this objection is founded on a just estimate of the designs of those to whom it relates, but prefer granting it at once all the force which it can possibly possess in this respect. Nicholas and Ferdinand and Frederic William may have established and endowed their schools and colleges in whatever arbitrary whim or tyrannical temper may be conceived of. They may still propose to themselves no other end, in these institutions, than that of fortifying their own prerogative and perpetuating their own dominion, and may strive to adapt their whole system of education to the single purpose of teaching their subjects greater loyalty and their slaves more submission. So Satan, "upon the tree of life, devising death, sat like a cormorant." But fortunately it is neither in the power of man nor devil to control events, nor is it in the mouth of either to bespeak results corresponding to their designs and contrivances. That branch of education is yet to be discovered, that mode of teaching still to be invented, that class of studies still to be evoked from chaos, which can be turned to any purpose of tyranny. You cannot educate men to be slaves. It is only by withholding education from them that you can make or keep them so. You cannot teach the human mind that its legitimate condition is one of submission and servitude. It is only from the want of a teacher that it has ever fallen into that condition. Whatever difference of opinion there may be as to the system of education which is *best* fitted for the establishment and maintenance of free government, there is no system,—none so narrow, none so arbitrary, none so purposely per-

verse and crooked,—which is not in some degree adapted to this end. The eye that is only opened to gaze upon midnight sees a world more than that which is wholly shut. Light is its natural element, and that light it will seek and find wherever a ray is gleaming through the darkness ; and the brilliancy and the beauty of that single ray, enhanced by the very gloom with which it is surrounded, will make it look and long for another and another, and will prepare it to hail from the mountain top of an eager expectation the first blush or break of dawn. So is it with the mind of man. Touch it, awaken it, agitate it, open it, and though it be only to perceive the darkest forms of tyrannical oppression, and to ponder upon the most unqualified doctrines of arbitrary and absolute power, liberty is still its element, and the love of liberty its instinct, and it will never cease to strive and struggle on till that love is gratified and that element gained. No, it is only in exile that Dionysius can safely turn schoolmaster. Education can never be converted into an engine of despotism, and the engineer who essays to use it so, will find himself “ hoist with his own petard.” The giant energies of the human intellect, while loaded with the chains and immured in the prisonhouse of ignorance, may toil and grind for the lords of the earth, as patiently as Samson at the mill of Gaza ; but once unfetter them and lead them forth, and, though it be for no better end than to subserve the glory or minister to the sport of those who have summoned them, they will vindicate their own dignity, they will manifest their own might, they will assert their own title to freedom, even if it be only to fall themselves at the last, crushed beneath the same ruins with which they have overwhelmed their oppressors !

But while I indulge in these expressions of seeming defiance, I am unwilling to leave the impression that I entertain any belief, that institutions of education have been established in Europe with any such views as those which have been supposed, or that the system which has been introduced there has been designedly framed to obstruct rather than advance the progress of freedom. The very general favor which that system has met with in our own country, and the trouble and expense with which its details have been procured and published, are an ample answer to any such idea.



Nor can the operation of this system upon the condition of the Old World be in any degree doubtful. Silent and gradual, perhaps, but certain and thorough, will be the revolution it will effect. Its progress may not be tracked in blood, nor its arrival at the successive stages of its course be heralded by a noise of battle. Its achievements may not be manifested by proscriptions and confiscations, nor its victories signalized either by the beheading of Kings, or the denial and defiance of the King of Kings. It is, indeed, one of the most cheering hopes, let me rather say, one of the most glorious assurances, which the establishment of the Free School system in Europe has inspired us with, that that advancement of human happiness and human liberty, which seems almost as much a Divine law, as the precession of the equinoxes, or the procession of the seasons, is not doomed to be brought about in time to come, as it so generally has been in time past, by mere violence and bloodshed. It was well said by Baron Cuvier, who distinguished himself almost as highly in France by his efforts in the cause of education, as he did in the world at large by his triumphs in the field of science: "Give schools before political rights; make citizens comprehend the duties that the state of society imposes on them; teach them what are political rights before you offer them for enjoyment; *then* all meliorations will be made without causing a shock; *then* each new idea, thrown upon good ground, will have time to germinate, to grow and to ripen, without convulsing the social body." And the great comparative anatomist need hardly have quitted his own peculiar province of research to learn and to illustrate this position. He had only to compare the millions of human bones with which the French Revolution strewed and almost covered the earth, with the few thousands which were thinly scattered over the battle-fields of our own land, and the conclusion was inevitable. By rescuing man from the yoke of ignorance and prejudice, as well as from the dominion of arbitrary political power; by delivering him from the bondage of tyrant passions as well as of tyrant princes; by supplying the check of an enlightened conscience wherever one of legal compulsion is removed, and substituting a sense of moral obligation wherever a political chain is broken, — the Free

School system, it cannot be doubted, will ultimately prevent the recurrence of those frightful periods of anarchy and uproar, those reigns of terror, which have so often formed the transition state, the middle passage, between servitude and freedom. And under its enlightening influence, a system of individual self-government will be in operation, and a system of free civil government even in preparation, to receive man under the shelter of their twofold shield, in that moment of temptation and peril in which he first passes in triumph from the power of his oppressor.

Such, we know, was the influence of this system, at the critical period of our own Revolution, when our fathers, under no other influences than those of the free and common schools which the Puritans had founded, and in which the principles of the people for a century and a half had been formed, were seen, as unflushed by triumph as they had been unterrified by defeat, building up the walls of a free constitutional government with one hand, even while they were still obliged to hold the weapons of war against a yet unsubdued and relentless foe in the other! And though it can be hardly hoped that a spectacle of equal sublimity, that an example of equal self-government, will soon again be exhibited to the world, some near approach and close analogy to it may be confidently anticipated in the future political changes of educated, school-taught Europe.

But it is in its relation to the future condition of our own country, that it is most interesting to contemplate the political influences of popular education. Here, where society needs not to be reduced to political chaos again in order that its creation may begin aright; where all the modes of inequality and oppression, which seem to sanction a resort to force and violence when they can be put an end to in no other way, have been banished in advance; where no thrones remain to be overturned, and no revolutions achieved, in order to establish the forms of a free government in their purest and most perfect shape, — here, the legitimate influence of a Free School system, in giving substance and security to these forms, by counteracting and controlling those impulses and propensities by which they are so liable to be abused and perverted, and in gradually

rendering the government itself freer and freer by transferring more and more of the restraints which the safety of the body politic requires, from powers that are without us to *those which are within us*, can be more uniformly exerted and more plainly perceived. Here, where there is no ground for apprehension that any course of education will be designedly adopted but such as most of all others may conduce to the maintenance and advancement of the public liberty, the identity of the great interests of Free Schools and Free Governments will be more fully and conspicuously manifested.

"In the United States," says De Tocqueville, in his masterly account of American democracy, "*politics* are the end and aim of education; in Europe, its principal object is to fit men for *private life*." The first branch of the antithesis is just and true, or ought to be so, if it is not; but not as colored and qualified by the last. Politics are or ought to be the ultimate end and aim of all popular education in the United States; not party politics, not controversial, electioneering, office-seeking politics; not politics as distinguished from private life, as M. De Tocqueville would seem to distinguish them, but politics as including in one and the same comprehensive signification, as in the vocabulary of a free country they do, all the relations and obligations of the citizen to the State. There is no such thing in a free country as private life, in the sense in which it seems here to have been used, and in the sense in which it is always understood in Europe. No man liveth to himself, even humanly speaking, in a Republic. Every man has public duties. Every man is a public man. Every man holds offices; those of a jurymen, a militia man, an elector. Or rather every man holds one, high, sacred, all-embracing office, whose tenure is nothing less than life, and whose duties are nothing less than the whole duties of life, — the office of a free citizen. The triple responsibilities which I have enumerated, those of the polls, the training-field, and the jury-box, by no means exhaust the obligations of every free citizen to his country. I have already exemplified, in another part of my remarks, the power of each individual member of a free community, by yielding to ungoverned passions and indulging in abandoned courses, to de-

range the political system, to diminish the general liberty, and to affect and alter the very nature of the government. And it cannot be too strongly enforced, in this connection, that the whole life and conversation, the whole conduct and character, of every free citizen is reflected and, as it were, represented in the administration of public affairs,—every thought, even, of every one of them going to make up that mighty current of Public Opinion, which is nothing less than Law in its first reading.

It is a peculiar and beautiful property of free government, that it invests the humblest and most private virtues with a public importance and dignity; making society, as Mr. Burke has well expressed it, not only “a partnership in all science and in all art,” but “in all virtue and in all perfection,” and superinducing upon all ordinary motives to the practice of virtue something of high official obligation and lofty patriotic sanction. This very quality of patriotism—what a new extension and comprehensive character has liberty imparted to it! No longer are its laurels appropriated to one or two limited lines of public service, but they are planted along the borders of every walk in life, and lowered to the reach of the humblest hand. Not alone under a free government is he a patriot, who marshals armies in the field to a successful onset upon some foreign assailant of the nation’s liberties; not alone he, who arrays arguments in the Senate chamber to a triumphant issue against some domestic destroyer of its prosperity and welfare. He, too, the most retired and humble citizen, who never lifted his arm in battle or his voice in council, but who, neglecting none of the few direct political duties which the forms of a free government impose, has devoted himself to the discharge of the thousand indirect ones which the spirit of such a government implies, and its security and advancement imperatively demands,—who has combated his own passions, who has taken council of his own enlightened conscience, who has studied the art and practised the exercise of an intelligent self-government,—he has acted a part, achieved a victory, afforded an example, which have no less patriotism, and even more promise of perpetuity and progress to free government in them, than the most brilliant triumphs of the field or the forum.

Yes; politics in this large and comprehensive signification, which the very nature of free institutions has given them, including all the duties of self-government as well as of civil government, ought to be the end and aim of all education in the United States; and the influences of all education, whatever may be its end and aim, will be and must be *political*. The present fortunes of the Republic may, indeed, be already beyond the reach of parental discipline and schoolhouse influence. But our regards end not with the hour,—certainly not our responsibilities. And it is a false and fatal notion that the future is beyond our control. It would be nearer the truth to say, that the present is so. How much of all that we are, or do, or enjoy, or suffer, how great a portion of all in us and all about us that goes to mark and determine the existing condition and immediate character of our country, is the result, not of any action of our own, or effort of the moment, but of what our fathers and mothers and teachers have done or left undone in our behalf! And the present is not more the child of the past, than it is the parent of the future. The infant, “mewling and puking in the nurse’s arms,” or the whining shoolboy, “with his satchel and shining morning face, creeping like snail unwillingly to school,” can, indeed, give neither vote nor verdict to-day. They have neither part nor lot in the Republic of the present instant. But when, unless at this very moment, are they to learn the lessons, imbibe the principles, acquire the habits, by which its future fate is to be not so much influenced as decided; not so much colored or characterized as constituted and made up? In them the future is personified, and posterity put bodily into our hands. And over them our control is neither conjectural nor limited. As the doves of his mother Venus guided the old Æneas to the golden branch, so may the hovering tenderness and winged watchfulness of a faithful mother still conduct her child to a wisdom better than gold. And the rod of the Teacher of Israel was not more potent to summon from beyond the sea whatever might plague and harass the oppressor and promote the deliverance and freedom of his people, than is that of the teacher at the present day to call up from over the ocean of the future a posterity which shall preserve, vindicate, and advance the liberties transmitted to them.

Whatever uncertainty there may be as to the correspondence of means and ends in other matters of human arrangement, of this we are assured,—“Train up a child in the way he should go, and when he is old he will not depart from it.”

Not, then, for any mere ends of “private life,” not for any purpose of individual display or personal accomplishment, not for the mere object of gratifying parental pride or family ambition, but as a matter of public, political, patriotic duty, should education be pursued in the United States. Children should be educated as those by whom the destinies of the nation are one day to be wielded, and free schools cherished as places in which those destinies are even now to be woven. It has been recorded as a saying of Mahomet that “the ink of the scholar and the blood of the martyr are equal.” It would be difficult to bring an American of this generation, especially if he happened to be standing, as we now are, at the foot of Bunker Hill, to acknowledge that there could be any thing equal—equal in its claim upon his regard and reverence, or equal in its influence upon our national welfare and freedom—to the blood of our Revolutionary martyrs. But in this we must all agree, that nothing but the ink of the scholar can preserve, what the blood of the martyr has purchased. The experiment of free government is not one which can be tried once for all. Every generation must try it for itself. Our fathers tried it, and were gloriously successful. We are now engaged in the trial, and, thank God, we have not yet failed. But neither our success, nor that of our fathers, can afford any thing but example and encouragement to those who are to try it next. As each new generation starts up to the responsibilities of manhood, there is, as it were, a new launch of Liberty, and its voyage of experiment begins afresh. But the oracles have declared that its safety and success depend not so much upon the conduct of those engaged in it during the passage, as upon their preparations before they embark. The winds and waves must be propitiated before the shore is left, or wreck and ruin will await them. But this propitiation consists, not in some cruel proceeding like that prescribed by the heathen oracle to the Grecian fleet, in binding son or daughter upon the pile of sacrifice, and offering up their tortured bodies and ago-

nized souls to appease an angry deity, but in a process which is not more certain to call down the best blessing of Heaven upon the enterprise, and to secure a peaceful and prosperous voyage, than it is to promote the truest happiness and welfare of those upon whom it is performed. Sons and daughters devoted to Education are the only sacrifice which God has prescribed to render the progress of Free Government safe and certain.

## THE BIBLE.

AN ADDRESS DELIVERED AT THE ANNUAL MEETING OF THE MASSACHUSETTS BIBLE SOCIETY IN BOSTON, MAY 28, 1849.

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IN rising to move the adoption of the Report which has just been read, I feel deeply, Mr. President, how apt I shall be to disappoint any part of the expectations of this meeting, which may, by any chance, have been directed towards myself. I have not come here this afternoon in the hope of saying any thing which might not be better said by others more accustomed to deal with occasions of this sort; or any thing, indeed, which has not been, a hundred times already, better said by those who have heretofore taken part in these Anniversary celebrations.

But I was unwilling to refuse any service which your committee of arrangements might even imagine me capable of rendering to the cause in which you are assembled. I could not find it in my conscience, or in my heart, to decline bearing my humble testimony, whenever and wherever it might be called for, to the transcendent interest and importance of the object for which this Association has now lived and labored for the considerable period of forty years.

That object is the publication and general distribution of the Holy Scriptures; and no man, I am sure, who has had the privilege of listening to the Report of my Reverend friend, (Dr. Parkman,) and who has a soul capable of appreciating the grandeur of those aggregate results which he has so well set forth, can fail to pronounce it one of the greatest, most important, most comprehensive and catholic objects, to which human means and human efforts have ever been devoted.

The week on which we have just entered, has been signalized,



I had almost said hallowed, among us, for many years past, by the meetings of many noble associations; and a record of philanthropy and charity has been annually presented to us in their reports and addresses, which must have filled every benevolent bosom with joy. But it has been a most appropriate and significant arrangement, that this Society should take the lead in these Anniversary festivals. Undoubtedly, Sir, the first of all charities, the noblest of all philanthropies, is that which brings the Bible home to every fireside, which places its Divine truths within the range of every eye, and its blessed promises and consolations within the reach of every heart.

All other charities should follow, and, indeed, they naturally do follow, in the train of this. Let the great work of this Association be thoroughly prosecuted and successfully accomplished, and the soil will be prepared, and the seed sown, for a golden and glorious harvest.

Diffuse the knowledge of the Bible, and the hungry will be fed, and the naked clothed. Diffuse the knowledge of the Bible, and the stranger will be sheltered, the prisoner visited, and the sick ministered unto. Diffuse the knowledge of the Bible, and Temperance will rest upon a surer basis than any mere private pledge or public statute. Diffuse the knowledge of the Bible, and the peace of the world will be secured by more substantial safeguards than either the mutual fear, or the reciprocal interests, of princes or of people. Diffuse the knowledge of the Bible, and the day will be hastened, as it can be hastened in no other way, when every yoke shall be loosened, and every bond broken, and when there shall be no more leading into captivity.

It is the influence of the Bible, in a word, by which the very fountains of philanthropy must be unsealed, and all the great currents of human charity set in motion. It is here alone that we can find the principles, the precepts, the examples, the motives, the rewards, by which men can be effectually moved to supply the wants and relieve the sufferings of their fellow-men, and to recognize the whole human race as members of a common family, and children of a common Parent.

Is it not the Bible, Sir, which teaches us that "to visit the fatherless and widows in their affliction," is as vital a part of pure

and undefiled religion, as "to keep ourselves unspotted from the world?" Is it not the Bible which instructs us, that while "to love God with all our heart is the first and great commandment," "to love our neighbor as ourself is the second and like unto it?" Is it not the Bible which charges "those who are rich in this world, that they be ready to give and glad to distribute, laying up for themselves a good foundation against the time to come, that they may attain eternal life?"

Is it not plain, then, Mr. President, that the original moving spring, and the still sustaining power, of that whole system of moral and religious machinery, whose grand results are so proudly exhibited to us during this Anniversary week, must be found in the promulgation and diffusion of the Holy Scriptures? May we not fairly say, without arrogance on our own part or disparagement towards others, that all other benevolent associations are but distributors and service-pipes (if I may so speak) to that great Reservoir of living waters, over which this Association has assumed the special guardianship, and which it is its chosen and precious province to keep fresh, and full, and free to all the world?

Even this, however, I am aware, Sir, is but a single and a somewhat subordinate aspect of the great work in which you are engaged. Indeed, as we hold up this subject in the sunlight before our eyes, we find a thousand other views of its interest and importance multiplying and brightening around us, as in a prism.

Regarded only as a mere human and utterly uninspired composition, (if, indeed, it be possible for any one so to regard it,) who can over-estimate, who can adequately appreciate, the value of the Bible as a book for general circulation, reading, and study? I remember to have seen it somewhere mentioned, that in an old English Statute of about the year 1516,—I doubt not that you, Mr. President,\* could tell us the precise date of its passage,—the sacred volume, instead of being denominated *Biblion*, the book, was called *Bibliotheca*,—the library. And what a library it must have been in that early day of English litera-

\* Hon. Simon Greenleaf occupied the Chair.

ture! Nay, what a library it still is to us all now! Within what other covers have ever been comprised such diversified stores of entertainment and instruction, such inexhaustible mines of knowledge and wisdom!

The oldest of all books, as in part it certainly is; the most common of all books, as the efforts of these associations have now undoubtedly made it;—how truly may we say of it, that “age cannot wither, nor custom stale its infinite variety!” The world, which seems to outgrow successively all other books, finds still in this an ever fresh adaptation to every change in its condition and every period in its history. Now, as a thousand years ago, it has lessons alike for individuals and for nations; for rulers and for people; for monarchies and for republics; for times of stability and for times of overthrow; for the rich and the poor; for the simplest and the wisest.

Whatever is most exquisite in style, whatever is most charming in narrative, whatever is most faithful in description, whatever is most touching in pathos, whatever is most sublime in imagery, whatever is most marvellous in incident, whatever is most momentous in import, find here alike and always their unapproached and unapproachable original.

It was but a day or two since that I was reading that the great German poet, Goethe, had said of the little book of Ruth, that there was nothing so lovely in the whole range of epic or idyllic poetry. It was but yesterday that I was reading the tribute of the no less distinguished Humboldt to the matchless fidelity and grandeur of the Hebrew lyrics, in the course of which he speaks of a single Psalm (the 104th) as presenting a picture of the entire Cosmos. I have heard that our own Fisher Ames, who has left behind him a reputation for eloquence hardly inferior to that of any American Orator either of his own day or of ours, was accustomed to say that he owed more of the facility and felicity of his diction to the Bible, and particularly to the book of Deuteronomy, than to any other source, ancient or modern.

Indeed, Sir, the art, the literature, and the eloquence of all countries and of all times, have united in paying a common homage to the Bible. It has inspired the noblest strains of

music and the loftiest triumphs of the painter. Where would be the harmonies of the great composers, where would be the galleries of the old masters, without the subjects with which the Bible has supplied them?

Other books, I know, both in ancient and modern times, have received striking tributes to their genius, their ability, their novelty, their fascination. It will never be forgotten by the admirers of Homer, that Alexander the Great carried the Iliad always about with him in a golden casket. It will never be forgotten by the eulogists of Grotius, that Gustavus Adolphus, in the war which he waged in Germany for the liberty of Protestant Europe, slept always with the treatise *De Jure Belli ac Pacis* on his pillow. But how many caskets and how many pillows have borne testimony to the Bible! Yes, Sir, of heroes and conquerors, not less mighty than the Macedonian or the Swede; and not of those only who have been called to wrestle against flesh and blood, but of those who have contended "against principalities and powers, against the rulers of the darkness of this world, against spiritual wickedness in high places," and who have found in this holy volume, as in the very armory of Heaven, "the sword of the Spirit, the breastplate of righteousness, the helmet of salvation, and the shield of faith, by which they have been able to quench all the fiery darts of the wicked."

I perceive, Mr. President, how impossible it is to separate the influence of the Bible as a mere book, from that which it owes to its divine character and origin. And they ought not to be separated. Unquestionably, it is as containing the word of God, the revelation of immortality, the gospel of salvation, that the Bible presents its preëminent title to the affection and reverence of the world. And it is in this view above all others, that its universal distribution becomes identified with the highest temporal and eternal interests of the human race.

I say, with the highest temporal, as well as eternal interests of the human race; and I desire to dwell for a single moment longer, on the inseparable connection of the work in which this and other kindred associations are engaged, with the advancement of civilization, with the elevation of mankind, and with the establishment and maintenance of Free Institutions. I

desire, especially, to express the opinion, which I have been led of late to cherish daily and deeply,—that every thing in the character of our own institutions, and every thing in the immediate condition of our own country, calls for the most diligent employment of all the moral and religious agencies within our reach, and particularly for increased activity in the distribution of the Bible.

Mr. President, there is a striking coincidence of dates in the history of our country, and in the history of the Bible. You remember that it was about the year 1607, that King James the First, of blessed memory for this if for nothing else, gave it in charge to fifty or sixty of the most learned ministers of his realm, to prepare that version of the Holy Scriptures, which is now everywhere received and recognized among Protestant Christians as the Bible. This version was finally published in 1611, and it is from this event that the general diffusion of the Bible may fairly be said to date.

The Bible had, indeed, been more than once previously translated and previously printed. During the two preceding centuries, there had been Wickliff's version, and Tyndale's version, and Coverdale's version, and Cranmer's version, and the Geneva Bible, and the Douay Bible, and I know not what others; and they had all been more or less extensively circulated and read, in manuscript or in print, in churches and in families, sometimes under the sanction, and sometimes in defiance of the civil and spiritual authorities.

I doubt not that many of my hearers will remember the vivid picture which Dr. Franklin has given us, in his autobiography, of the manner in which the Bible was read during a portion of this period. Some of his progenitors, it seems, in the days of bloody Mary, were the fortunate possessors of an English Bible, and to conceal it the more securely, they were driven, he tells us "to the project of fastening it open with pack threads across the leaves, on the inside of the lid of the close-stool."

"When my great-grandfather (he proceeds) wished to read the Bible to his family, he reversed the lid of the stool upon his knees, and passed the leaves from one side to the other, which were held down on each by the pack thread. One of the child-

ren was stationed at the door to give notice if he saw the proctor (an officer of the spiritual court) make his appearance; in that case, the lid was restored to its place, with the Bible concealed under it as before."

It is plain, that however precious the Bible must have been to those who possessed it in those days, and however strong the influence which it may have exerted over individual minds, it had little chance to manifest its power over the masses, under circumstances like these. Indeed, the whole number of printed Bibles in existence in Great Britain, up to the commencement of the seventeenth century, is estimated at only about one hundred and seventeen thousand;—a little more than *one fifth* the number distributed by the American Bible Society, and only a little more than *one tenth* the number distributed by the British and Foreign Bible Society, during the single year last past.

It is, thus, only from the publication of the authorized and standard version of King James, that the general diffusion of the Holy Scriptures can be said to have commenced. It was then that the printed word of God "first began to have free course and to be glorified." And that, you remember, Mr. President, was the very date of the earliest settlement of these North American Colonies. It was just then, that the Cavaliers were found planting themselves at Jamestown in Virginia; and it was just then, that the Pilgrims, with the Bible in their hands, were seen flying over to Leyden, on their way to our own Plymouth Rock.

And now, Sir, it is not more true, in my judgment, that the first settlement of our country was precisely coincident in point of time, with the preparation and publication of this standard version of the Bible, than it is that our free institutions have owed their successful rise and progress thus far, and are destined to owe their continued security and improvement in time to come, to the influences which that preparation and publication could alone have produced.

The voice of experience and the voice of our own reason speak but one language on this point. Both unite in teaching us, that men may as well build their houses upon the sand and expect to see them stand, when the rains fall, and the winds blow, and the floods come, as to found free institutions upon any other

basis than that morality and virtue, of which the Word of God is the only authoritative rule, and the only adequate sanction.

All societies of men must be governed in some way or other. The less they may have of stringent State Government, the more they must have of individual self-government. The less they rely on public law or physical force, the more they must rely on private moral restraint. Men, in a word, must necessarily be controlled, either by a power within them, or by a power without them; either by the word of God, or by the strong arm of man; either by the Bible, or by the bayonet. It may do for other countries and other governments to talk about the State supporting religion. Here, under our own free institutions, it is Religion which must support the State.

And never more loudly than at this moment have these institutions of ours called for such support. The immense increase of our territorial possessions, with the wild and reckless spirit of adventure which they have brought with them; the recent discovery of the gold mines of California, with the mania for sudden acquisition, for "making haste to be rich," which it has everywhere excited; the vast annual accession to our shores of nearly half a million of foreigners, so many of whom are without any other notion of liberty, at the outset, than as the absence of all restraint upon their appetites and passions;—who does not perceive in all these circumstances that our country is threatened, more seriously than it ever has been before, with that moral deterioration, which has been the unfailing precursor of political downfall? And who is so bold a believer in any system of human checks and balances as to imagine, that dangers like these can be effectively counteracted or averted in any other way, than by bringing the mighty moral and religious influences of the Bible to bear in our defence.

As patriots, then, no less than as Christians, Mr. President, I feel that we are called upon to unite in the good work of this Association. And let us rejoice that it is a work in which we can all join hands without hesitation or misgiving. There is no room here, I thank heaven, for differences of parties or of sects. There is no room here for controversies about systems or details. Your machinery is of all others the most simple. Your results

are of all others the most certain. In a period of little more than forty years, by the agency of associations like this, more than thirty-five millions of Bibles and Testaments have been distributed throughout the world, and more than six millions of them within the limits of our own land. Let us persevere in this noble enterprise. And let each one of us resolve to secure for himself, against the hour which sooner or later must come to us all, that consolation which I doubt not is at this moment cheering the decline of your late venerable President, (Dr. Pierce,) — the consolation of reflecting, that it has not been for the want of any proportionate contributions or proportionate efforts on our part, if every human being has not had a Bible to live by, and a Bible to die by.

I move the adoption of the Report.



Encl. Hist. -- Noon. -- U. S.

& Charlestown -- Ursuline Convent. (1835)

## COMPENSATION

FOR THE

### DESTRUCTION OF THE URSULINE CONVENT.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS, MARCH 12, 1835.

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I WOULD willingly be excused, Mr. Speaker, from any participation in this debate. I am entirely aware that little personal satisfaction, and certainly no personal popularity, is to be gained by an expression of the sentiments which I entertain upon the question at issue. But having, by a position not of my own seeking, been led into some investigation of the occurrence under consideration, immediately after it took place, I feel that it would be a desertion of duty for me to remain entirely silent.

I beg the House to believe that I have not seized upon the topic as an excuse for making a speech. Materials, indeed, there are in the circumstances of the case, which well might serve such a turn. Old and hackneyed as they may seem; — threadbare as they may be supposed to have become, by their continual wear and tear, for the last six or seven months, in the public papers, in private conversation, in the reports of Committees, and in the arguments of the Bar, — I yet venture to say that there are not only unexhausted, but almost unnoticed, incidents in the history of this transaction, which, in the hands of one skilled and practised in touching the strings and sounding the stops of the human breast, might be made to harrow up the sternest soul, and freeze the youngest blood among us.

But I have no such skill, and have risen for no such purpose. I would, on the contrary, separate this question, as far as possi-

ble, from every circumstance appealing to the mere feelings of men. I would throw out from both sides of it all that is calculated to excite either sympathy or prejudice, and would hold an even hand between a blind commiseration on the one side, and an averted hostility on the other.

And now, Sir, what is the exact question before us? It appears that on the night of the eleventh of August last, an institution, established partly for purposes of religion, partly for purposes of education, and partly for purposes of charity,—an institution established under the laws of the land, and paying the price of protection to the government in the prescribed form of annual taxes,—was besieged by a mob, sacked, pillaged, and burned; and this—not silently, not secretly, not in a moment, in the twinkling of an eye—but by a course of concerted measures, openly and publicly carried on for a period of six or seven hours in succession, in the presence of thousands of spectators, while not a single arm was lifted in its defence.

Upon these facts, universally admitted, the proprietors of the institution have presented a claim for indemnification, and upon this claim the two counter Reports, now under consideration, have been submitted to this House.

There are some things in both of these Reports with which I cordially agree; there are other things in both of them from which I entirely disagree. Not that I intend, by this remark, to couple the two documents as having, in my humble judgment, equal claims upon our favorable consideration. By no means. The whole spirit of that presented by the majority of the committee, I am happy to agree with; in one single principle only do I differ from them. The whole spirit, on the other hand, of that submitted by the minority of the committee, I am as happy to dissent from; in one accidental, and perhaps unintentional, admission, only, can I at all agree with them. I do not propose, Sir, to enter into any very detailed analysis of either of these papers. But before I proceed further, I beg leave to call the attention of the House to two or three paragraphs in the report of the minority. And especially would I call to them the attention of the signers of that report themselves; for I am willing to believe that they are as yet unaware of its full import.

On the nineteenth page of the printed document containing these reports, is this extraordinary sentence, — “The moment this Commonwealth consents to tax herself for the repair of damages, which have, or have not, resulted from her own injustice or criminal neglect, she countenances a belief that she is willing to admit her own responsibility as an accessory to the wrong. Dignity, then, is not preserved nor regained in this way.” Countenance a belief! Why, Sir, if damages *have* resulted from the injustice or criminal neglect of the Commonwealth, she is already an accessory to the wrong; and no admission of her responsibility is required to countenance, nor will any denial of her responsibility suffice to discountenance, such a belief. And as to her dignity, — I leave the gentlemen to judge whether it is least compromised in such a case by denying and refusing to repair the wrong, or by confessing and making amends. One thing, Mr. Speaker, I will grant to the gentlemen, and that is, that the whole strength of this paragraph, inconsistent and absurd as it is, is needed to sustain the conclusions at which they have arrived.

Again, on the twenty-third page of the document, it is thus written, — “Let the fathers and guardians of our State help the friends and professors of their own religion.” Pray, Sir, what is *their own* religion? What distinction less broad than that which includes the whole Christian church, throughout all the world, — Roman Catholic and Protestant Catholic alike, — comprehends the religion of the fathers and guardians of our State? The people of Massachusetts are indeed, for the most part, Protestants, and ever may they continue so! But the State, thank heaven, is yet allied to no Church, and never may it become so! Religious freedom, and not merely religious toleration, is her motto, and the minority of the committee will strive in vain to blot it out.

But the argument of the minority report is mainly based upon a form of oath, which previously to 1820 was a part of the Constitution of Massachusetts, and which was ordered to be taken and subscribed by all the officers of the Commonwealth. Now, the Convention of 1820 abolished this oath; but the minority report, having been written originally in professed

and admitted ignorance of its abolition, asserts, in its amended form, that it was only "laid aside for one more concise." Sir, my friend from Worcester (Mr. Kinnicutt) has sufficiently answered this singular position. He has told us truly that the Convention of 1820, composed as it was of the most distinguished men of Massachusetts, did not assemble for the purpose of criticizing and amending the phraseology of the Constitution, and spent none of their time in that frivolous employment. But even if it were not so, even if the oath itself still disfigured our charter, I undertake to say that the doctrines of the minority report could not be legitimately drawn from it. Some years ago, there was published, under the direction of this Legislature, a little volume containing the records of the Convention which originally framed our Constitution. In this meagre skeleton of a book, there is one fact clearly and distinctly set forth. In every instance in which the word *Christian* is used, or in which any allusion to religion or to the privileges of its professors occurs in the Constitution, it appears that an effort was made to introduce an exception, excluding Roman Catholics from the common family of Christians. And in every instance it failed. And what does that prove, Sir? Why, that our fathers in 1780 were unwilling to assume the ground, which the minority of this committee in the year 1835 have taken, that Roman Catholics were, *ipso facto*, aliens from our Commonwealth, honoring "the Pope as their liege lord," and having "their country in Italy." Even at that day, if any Roman Catholic chose to renounce his allegiance to all foreign sovereigns, potentates, and prelates, or to declare upon oath that no such allegiance existed, our fathers were willing to believe him; and he was eligible to the chief magistracy, or any other office in the State. And even this renunciation, or declaration, was only required of Roman Catholics in common with all other candidates for office, whatever might be their creed. So much, Sir, for the basis and superstructure of the minority report!

And now, Mr. Speaker, let me declare distinctly the opinion which I have formed upon the question before us. I go for the *claim* of the Petitioners, and I think this Commonwealth is

bound in equity to make good the losses which they have sustained. And in support of this opinion, I rely upon the first principles of society and of our own government, as applied to the circumstances of the case. What are those principles, and where shall we find them laid down? They are inscribed on the very portals of our Constitution. The Bill of Rights contains a clear and explicit declaration of them. Besides asserting that government is instituted for the protection and safety of the people, who are consequently bound to contribute their share of personal service or pecuniary equivalent to the expense of this protection, — it has this plain and express provision: “each individual of the society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to standing laws.” Now if every individual has a right to be protected, society is under an obligation to afford that protection; and this obligation of society is admitted on all sides of the House, and in both reports. But, we are told, society is bound to protect by standing laws, and in no other way. That may be very true, Sir, but it has nothing to do with the justice of this claim. The Petitioners have not come here to ask for protection. It is altogether too late for them to present such a claim. Their property has been destroyed, and their claim is for indemnification; and the question now is whether society, being under an admitted obligation to afford them protection, and having failed to discharge that obligation, is or is not justly responsible for the damages arising from that failure.

Well, Sir, how is it with other obligations? Suppose, for a moment, that any gentleman in this House is under an *obligation* to convey to me a certain piece of estate, and he fails from any cause to discharge that obligation; — will he presume to tell me that, though he was bound to convey that estate, he was bound to do nothing else, and that having failed in that, my claim upon him is at an end. Why, the idea is too absurd to require an answer. It needs no lawyer to tell him that any court of competent jurisdiction would make him respond to me in damages. And how do the obligations of society or of the State differ from those of an individual? The State has entered into a direct contract with every one of its citizens, and every one of the

citizens with the State ;—protection is the consideration on one side, and allegiance on the other. If the citizen fails to discharge his part of the contract, the State proceeds at once to compel or to punish him ; and if the State fails to discharge her part, she is bound, in good faith, to make reparation. There is indeed no court of law into which the citizen can summon her. This “ Great and General Court ” is his first place of hearing, and his final place of appeal. And that appeal is at best but an appeal from Cæsar to Cæsar. But this does not at all affect the justice of the claim, however it may affect the fairness of the hearing.

There is no doubt, Mr. Speaker, that this doctrine needs some qualification and some limitation. But none other are required, as I think, than such as common law and common sense will readily suggest. It is equally a maxim of both, *Lex cogit neminem ad impossibilia* ;—no one is bound to do that which is impossible. Society cannot always stop the hand of the secret assassin, the midnight incendiary, the expert thief, or the cunning counterfeiter. Protection of this sort is often in its own nature impossible, and all that society can do, in cases of this kind, is to hunt out and punish the guilty. But wherever protection is practicable, she is absolutely bound to provide it.

And it is in relation to this particular principle that I dissent from the opinion expressed by the majority of the committee. They tell us that “ it is true that by the theory of our institutions, the government is bound to afford protection to the citizen in consideration of his allegiance,”—but then they go on to say, “ your committee suppose that this protection is afforded to every practicable extent, by the enactment, from time to time, as they shall be deemed necessary, of wholesome and proper laws, with remedies for their infraction.” Now it seems to me Sir, that this assertion, and I say it with all due deference to the Committee, is a begging of the whole question at issue,—which is, as I conceive, whether the government has afforded to these petitioners *every practicable protection*. The argument of the Report seems to be this,—that the existing laws at any particular period, whether good, bad, or indifferent, are to be considered as affording to the citizens every practicable protection.

In this opinion I cannot concur. Suppose, for a moment, there had been no law at all about riots, and no power vested in any body to quell them. Would that be affording all practicable protection to the citizen? And what difference is there, either in principle or in practice, whether there be no law at all, or whether the law be defective and impotent? I resign my right of self-defence, — I put my wrists in fetters, and allow my arms to be tied behind me, — on condition that society will protect me; and I pay my taxes annually for the same consideration. It matters not to me whether it be from the want of any law, or from the defect of an existing law, or from an inefficient execution of the law, — if the State could have protected me from injury, and did not, she is bound to make reparation.

And this doctrine is implied, unintentionally perhaps, but still plainly implied, in the report of the minority. And in this implication, and in this only can I find any thing in their argument to agree with. They tell you “that they know the State should guard against such evils,—yet not by making itself liable, if they happen in spite of the wisest precautions that can be employed to prevent them.” And they add, “the duty of the Legislature is to enact the best, the most energetic laws to restrain and punish the lawless.” Sir, I entirely agree in this position. But will these gentlemen or any other person pretend, that this destruction of property took place in spite of *the wisest* precautions, and in defiance of the *best* and most energetic laws? Will any one of common sense be willing to admit, that hundreds of men may meet together, light up their signal-fires, sound their alarm-bells, and proceed deliberately to rob, plunder, break, and burn, in presence of thousands of spectators, public officers and others, for six or eight hours in succession, in spite of the wisest precautions and in the face of the best and most energetic laws? Why, Sir, the wisdom of this world must indeed be foolishness, and its power impotency, and its strength must be to sit still, if this be the case. It is perfectly clear that there must either have been some great deficiency in the laws themselves, or some palpable neglect in the execution of those laws. And for the latter the State is equally responsible as for the former,—both because the mode of execution is itself a matter

of legal provision, and because those to whom that execution is intrusted are her own agents, and of her own appointment.

It is to this extent, Mr. Speaker, that I would carry the obligation of society to afford protection;—an extent marked and measured, as it seems to me, by the maxims of common sense and common justice. And if it be not so, all protection, all society, all government appears to me to be little better than a cheat and a mockery. For what is the right of the citizen to protection worth, if he has no remedy for the infraction of that right? What does the obligation of society to protect him amount to, if there is no responsibility for the discharge of that obligation? Sir, it may be true, in one sense, that kings can do no wrong; but it is not true in any sense, nor in any country, that governments can do no wrong. Power is one thing, and right is another. Every human being has rights. Human breath is God's passport to human rights. And the State is bound to protect those rights. She may fail to do so by omission, as well as by commission. If, in this very case, she had presumed to lay her hands upon the property of these petitioners, and appropriate it to her own use, every one knows they would have been entitled to compensation. And if she suffer others to lay their hands upon it and appropriate it to their own use, even though that use be only the feeding of their own rancorous and ravenous passions, the State is, and ought to be, equally answerable.

But, we are told, she has provided a remedy. The courts of law, with all their pleas and processes, are at the service of the injured, and society is not responsible for the deficiency of evidence, or the escape of the guilty. This again is all very true, but it has no bearing upon the claim of the petitioners. They do not come here for indemnification, because their remedies elsewhere have failed. They impute no fault to the State on this score. The guilt of the State was at a much earlier stage of the transaction. It consisted in not affording protection, when it had power and opportunity to do so. And no remedy against others will atone for this guilt of its own. Society has two duties. They are described in two distinct and separate articles of the Bill of Rights. They are, in their own essence, distinct and



separate. And society is, and ought to be, distinctly and separately responsible for the discharge of both. The first duty is to afford protection wherever it is practicable. The second is to provide a remedy against the aggressor wherever that is practicable. And it is the confounding of these distinct and separate duties of the government, and of the consequent rights of the citizens, which has led to what I hold to be the mistaken conclusion of both reports, in relation to the claim of these petitioners.

Gentlemen talk about a remedy in the courts of justice. Why, Sir, what is this remedy worth in a case like this? What has it proved to be worth in this very case? We all know;—and we all knew as well before the trials as since. It will always be so. Wherever the public mind is so prejudiced and poisoned against any individual or any institution, that the hand of violence may be openly and successfully raised against them, and no one will come to their aid, it is matter almost of certainty, that the same prejudice will infect the channels of evidence, and obstruct the course of justice.

I forbear, Mr. Speaker, to urge this argument further, though I am sensible that it is susceptible of being much further and much better enforced and illustrated. There is another view of this case which I proceed to present to the House. And I am aware that in doing so, I shall tread upon dangerous ground. Sir, this act was not the mere momentary violence of an ordinary mob. The committee have truly told us, that it is not to be supposed that the idle reports concerning Miss Harrison could have led to its perpetration. They were but sparks to the tinder, and only kindled and inflamed those combustible materials which had long been accumulating. The destruction of the Ursuline Convent had a deep-struck and wide-spread source in public opinion. Hundreds of men were actually concerned in the deed; thousands were quiet spectators of its accomplishment; and tens of thousands, I had almost said, had ministered to the delusion, fanaticism, and fury, which caused it to be attempted. We may almost say of it, what was said of one of the dark deeds of other times by a great Roman historian, — *Is habitus animorum fuit, ut pessimum facinus auderent pauci, plures vellent, omnes palerentur.*

Such was the state of the public mind, that though few dared to engage in the transaction, many more desired that it might be accomplished, and all, all permitted it to be done.

I would not be thought to imply, that I believe that the people of Massachusetts, or any considerable portion of them, would have deliberately sanctioned such an act. No; if it could have been previously put to vote, not one hand do I believe would have been held up in its favor, not even in Middlesex, or in Suffolk, or wherever the infected district was, — unless, indeed, by the perpetrators themselves. Upon nobody but them do I charge deliberate wrong, or malice aforethought. But we all know something of the influences by which events are brought to pass. Some men speak daggers which they will not use, — nay, which they may not intend or expect that any body else shall use. A few warmer and less prudent spirits take them at their word, and deal home the blow. If, Sir, as I am disposed to think, it was as common a thing before the 11th of August, to say, that “the Convent ought to come down,” as it has been since to say, that “we are glad it is down,” reserving, perhaps, in this latter case, some faint and feeble *salvo* as to the manner of its destruction, it is only a wonder that it was permitted so long to cumber the ground on which it stood.

It is this view of the matter, Sir, which, to my mind, makes it reasonable that the whole community should contribute to repair the losses which have been sustained. Asleep in my bed, though I was, when the act was committed, I can hardly help feeling a personal share in its guilt, and would gladly contribute my proportion of the indemnity.

But we are told, Sir, that if we make an indemnification, or grant any gratuity, in this case, it will be recorded as a precedent, and will thus involve the State in endless responsibilities. Why, if it only be right, equitable, and just, to do this, the sooner it is recorded as a precedent, the better; and the more such precedents there are upon our records, the more will it be for the honor of the State, and the welfare of the people.

But do not gentlemen perceive the horror with which this idea is fraught; and what a fearful looking-for in all time to come it implies? Recorded as a precedent! This indemnity

fication, or this gratuity, can never be fairly adduced as a precedent, except when the outrage itself has been followed as a precedent. And will gentlemen not only contemplate, but calculate, upon its recurrence? I can only say for one, Sir, that if I believed that this event were about to be a precedent in our history, and other acts of a similar character were about to be perpetrated within the borders of Massachusetts, I should be for plucking up at once such small stakes as I may have planted in her soil, for fleeing from the protection of her free and enlightened government, and for seeking shelter under any, the sternest tyranny, the darkest despotism on earth. Yes, upon the same principle that I would sooner pitch my tent at the foot of a volcano, whose friendly quake or monitory rumbling would warn me when its flames were about to burst above my head, than maintain a residence in one of your clear and balmy atmospheres, where ruin, ruin like this, might blaze down upon me at any moment, as lightning from a cloudless sky!

But, Mr. Speaker, if we are wise, if we do our duty, no such event will again occur. The fires of that fatal night have displayed to us our danger. They have made manifest the insufficiency of our laws and the insecurity of our possessions. They have shone in upon and illumined a fearful chasm in our system, yawning at our very feet; and if we do not neglect our duty, we shall fill it up, or bridge it over, before we quit these seats. Its first victims will thus be its last; and if we should pay them to the uttermost farthing of their loss, we shall have cheaply purchased the experience.\*

But if the laws are to be left in their present impotent condition, let the House look well to another consideration. Do gentlemen flatter themselves that the Roman Catholics are to be the only sufferers? Are there to be no losses but what light on their shoulders; no sighs but of their breathing; no tears but of their shedding? Sir, if the spirit of violence is to have free vent; if religious, or moral, or political intolerance is to rage unchecked; if every now and then some portion of the people

\* The Legislature of Massachusetts, in 1839, passed a Law making towns and cities responsible to the amount of three quarters of the value of any property within their limits destroyed by rioters.

are to cry *havoc*, and let slip the brands of their vengeance upon the objects of their suspicion or their hate, who of us is safe? What one man is there in this House, or in this whole State, who may not be glad that such a precedent has been established? If, Sir, we are to be warned out of our beds at midnight, and our wives and children sent shivering from beneath our blazing roofs, who is there that does not pray God that he may be able to point to a precedent somewhere, which shall ensure him a covering from the storm?

In stating my views of this question, Mr. Speaker, I have thus far made little allusion to the particular character of the institution in question. I have no partiality for the Roman Catholic creed. I have no fondness for convents, or monastic institutions of any kind. I wish sincerely that not an inch of ground on the whole continent of America was covered by them. But this is no part of this question. Justice is no respecter of persons. Equity is blind and bandaged to all distinctions of creed as well as of condition.

But, as there are doubtless some members of the House who cannot rid themselves of the prejudice which the peculiar tenets of these petitioners are calculated to excite, I put to them one simple question. Do intolerance and persecution tend to eradicate heresy? Is this the maxim which history has taught us? No! Persecution, if it does not crush at once, creates new strength; if it does not kill, it gives fresh life; and I call upon every individual in this assembly, who deprecates the spread of Roman Catholicism in this country, to disarm its propagators of the powerful weapon which persecution has now placed in their hands.

Mr. Speaker, I cannot conclude without presenting one more consideration to all who hear me. This act it is too late to prevent. It is already upon the records of the irrevocable past. And wherever the name of Massachusetts shall be known or heard in all ages to come, wherever the story of the Pilgrims, the struggles of the Colonists, or the great battles of Independence shall be described, there, also, this dreadful deed, with all its circumstances of cowardice and cruelty, will bear them company.

It is of a character never to be lost sight of by those who perpetuate the memory of human events. The poet will embalm it in deathless song. The novelist will embody it in immortal story. Will, do I say? He has already done so. Who is there, henceforth, who can read again the Abbot of Walter Scott, without thinking that the same spirit of superstition and bigotry, which revelled and rioted in that scene of moral and religious darkness, has risen again from its sleep of ages, and having found no foothold among its ancient haunts, has crossed the wide-spread ocean to find, on the soil of free and enlightened Massachusetts, a stage for the reënactment of its terrible tragedies? And even on the page of history, sober and truth-telling history, softened and palliated as it may be by some fond and filial hand, it will still overtop the level of ordinary incident, and cast a deep shade over our brightest and proudest achievements.

In behalf, then, of this ancient Commonwealth, — unused to any association but with the great and generous of the earth; — in behalf of her living children, and in behalf of her dead fathers, whose names will be alike bound up with that of the State itself, for honor or dishonor, for glory or shame, in all future time; — I invoke this House to do something to rescue her from this otherwise inevitable reproach.

Law — Mass.  
§ Evidence.

## THE TESTIMONY OF INFIDELS.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS, FEBRUARY 11, 1836.

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ALLOW me, Mr. Speaker, before entering upon the discussion of the general merits of the bill under consideration, to set the House right with regard to the laws of Connecticut upon this subject. That State has long enjoyed a most enviable reputation for holding fast to that which is good. And it was not, I confess, without some alarm that I heard her example appealed to in favor of the bill. But upon subsequent investigation, I am entirely willing that her example should be followed. She has passed no such law. Her last statute upon the subject, the statute of 1830, has carried her not a jot beyond the point at which our common law now stands. It declares every man to be a competent witness who believes in a Supreme Being, and our courts have declared the same.

But I wish not to rest my opposition to this bill upon either example or authority; much less am I disposed to defend the present rule of law, merely because it happens to be an ancient rule. I agree with the gentleman from Gloucester, (Mr. Rantoul,) that principles are none the better for their antiquity. But let me remind him, too, that they are none the worse either. Let me remind him that there are at least two classes of minds in this House, with reference to this matter of antiquity. And that, while some may be disposed to adhere too blindly and cling too closely to whatever is old or established, adopting, as he says, the maxim of the poet — “Whatever is, is right,” —

there are others who leap a little too easily to the opposite of whatever is old and established, adopting, as their motto, the very reverse of that maxim — "Whatever is, is wrong." Sir, there are men here who seem to find their sole and sufficient reason for attacking any principle or any practice, in the mere fact that it did not originate in their day, or was not the offspring of their own brain; — who, while they profess great respect for the wisdom of their fathers, place no dependence upon any but their own; — who seem to consider our Government, its institutions and its principles, free, prosperous, and pure though they be, as the subjects, — not of the whole people's sober enjoyment, but of their own fanciful experiments; and who hunt out the imperfections which are inseparable from all human works, with the same eagerness and zeal with which sportsmen run down their game, — not for any advantage to others, but only to enjoy their own agility and skill.

For one, Sir, I care not in what age, before the flood or since, any practice or any principle drew breath, or with what barbarous systems it was once intermingled; if it be good in itself, and works well in our own system, it is all that can be asked. Our own Massachusetts Bill of Rights contains more than one article from an instrument more than six hundred years old, and almost in the very words in which it was extorted from the lips of King John at Runnymede by his brave though barbarous barons. But do we rely on those articles any the less confidently on that account, or sleep any the less soundly under their protecting influence?

But there is one thing which antiquity affords, which even the gentleman himself must acknowledge to be valuable, — experience — experience — a teacher compared with which the brain-spun theories of men are but stumbling-blocks and foolishness; and let me say that neither industry nor ingenuity have been able to torture from her any response in favor of this bill.

And now, Mr. Speaker, I beg leave to recall the attention of the House to the real reason of the existing rule of law as to this inquiry into a man's religious belief, as it is falsely called. Gentlemen seem to regard it as an independent and arbitrary rule, established for no other purpose than to exclude atheists

from the witness-stand. This is wholly false. An atheist is not excluded simply because he is an atheist. There is another most material and massy link in the chain which shuts him out. The rule of law is now, and has been for centuries, that no testimony shall be received in courts of justice except under the sanction of an oath; — a rule which has never been relaxed except in favor of the Quakers, whose conscientious scruples about oaths have stood the test of two centuries of trial, and, during a part of the time, of the sharpest persecution. But an atheist cannot take an oath, and that, not because he has any conscientious scruples about swearing, but because he has no God to swear by. There is nothing in his breast upon which the obligations of an oath can take hold. Its terms are wholly unmeaning to him — its sanctions wholly unbinding upon him. He cannot, therefore, as he must, if he give it at all, give testimony under oath. It is the oath, then, and not his religious belief, which excludes him.

And here, Sir, I advance this proposition, — that so long as oaths are administered in our courts, so long it is essential to the ends of justice that this right of inquiry should be maintained; and so long it is the religious duty of society to maintain it. Why, what is an oath, and in what consists the taking of an oath? Is it the mere stepping upon a stand to be seen of men, the assumption of an arbitrary attitude, and the repetition of a formula of words to render one liable to the pains and penalties of perjury? I fear it is too often considered so. I have often regretted the hasty and careless manner in which oaths are administered and taken. I have often desired that some change might be made, which would assign to the taker something more than a mere raising of the hand and a bending of the head. But what is an oath? It is a religious obligation, and, in taking it, a man is supposed to lift himself above the level of men, and to speak, as it were, in the presence of God, — to raise, not only his hand, but his heart, to heaven, — to invoke the attestation of God to truth, and to imprecate his vengeance upon falsehood.

Seriously considered, Sir, there is no more awful act performed by man on earth than this. No form of prayer or of



sacrament surpasses it in solemnity. And is it not the right, then, is it not the imperative duty, of society, to take good heed that it be not lightly or vainly administered? Nay, does not society make its officers, (and through them, itself,) not only witnesses, but parties, to the most shocking mockery, to the most profane blasphemy, by suffering oaths to be administered to those who deny the existence of the God in whose name they are couched?

Gentlemen will tell me, that the second section of this bill will provide against such an event. But wide as that section reaches, extraordinary and extravagant as its provisions are, allowing every man to *affirm* who may object to being sworn, whether his objection arise from conscience or from caprice, whether from a weak superstition, or from a wicked design to escape the imprecation of Divine wrath upon a deliberate and premeditated perjury, — it does not go far enough to prevent the profanation to which I have referred.

Suppose, Sir, a bold and barefaced infidel, an open and notorious infidel, to be summoned as a witness in our courts, and that, declining to avail himself of the privilege of the second section of this bill, and resisting all inquiry into his religious belief under the first, he should insist, for the mere purpose of ridiculing religion and mocking God, or for any other reason you choose, on having the oath administered to him, — is there any thing in this bill, or out of it, if the bill passes, to hinder him from doing so? Nothing. And if gentlemen tell me that I suppose an extreme case, I reply that it is an extreme case in more senses of the word than one, and that the very possibility of its occurrence ought to be scrupulously guarded against. And to this end, until all oaths are abolished, the right of inquiry which this bill proposes to do away, must be preserved.

Again, Sir, I maintain that the right of inquiry is essential to the ends of justice. Why are oaths administered at all? Is it not because they are believed to have peculiar efficacy to elicit and extort truth from those who might otherwise speak falsely? And is it not a mere imposition on both judges and jury, and a most gross injustice to those interested in any suit, to introduce testimony under the *form* of an oath, without giving them the

means of knowing whether it were taken by one who was capable of feeling its force, or by one to whom it was mere mummery and jargon? And how but by this very inquiry can such knowledge be ascertained? I repeat the proposition, then, that while oaths continue to be administered, it is essential to the ends of justice, as well as a religious duty of society, to maintain the right of making this inquiry. If the second section of this bill be adopted, it is not difficult to foresee that oaths will be in a considerable degree discontinued in our courts, but if the first section prevail they ought forthwith to be entirely abolished.

And here, Mr. Speaker, we are brought to the question, whether we are willing, either in whole or in part, to give up oaths as the instruments of investigation in our courts of justice? Are we ready to substitute, as the sanctions of testimony on which not only the properties, but the liberties and lives of men may depend, the uncertain and merely momentary penalties of man, for the sure and fearful looking-for of Divine judgment? I appeal to those who haply may be something more than witnesses in our courts,—to those who, by some turn of fortune, by some sudden heat of passion in their own breasts, or of prejudice or persecution in the breasts of others, may, as any one of us may, stand one day or other at the bar of their country, with the awful issue to be determined whether they shall stand next at the bar of their God. Are they quite willing to take men as they come, under the influence of such motives as happen to be uppermost in their minds, and to unseal those lips upon which the name of the God of Truth never rested but in derision or as a curse? For myself, Sir, I must bow to the decision of the majority, but I protest while I can, against one hair of my head being harmed, against one day of my life being cut off or doomed to darkness, upon the mock oath or even the *conscientious* affirmation of an atheist. I must be pardoned, Sir, if I put no faith in him who puts no faith in his God,—if I refuse to risk all that is valuable to me here, upon the word of one who knows nothing valuable hereafter. It may be called bigotry or intolerance, or what you please. When I regard infidelity as a state of mind wholly independent of the

will, I may feel differently disposed. Now it seems to me to be wilful and wanton. There is nothing more beautiful in the system of Providence, nothing more worthy of the devout gratitude of man, than that God has so adapted the Gospel of his Son, and the knowledge of Himself, to the nature and the necessities of the human heart. It is against man's reason, it is against his instincts to deny or disbelieve them. And it seems as if such disbelief or denial could result, at some stage or other of its existence, from nothing but a perverse shutting of the eyes and the ears to those streams of light and those sounds of truth, which come up alike from every pore of nature and from every page of revelation. Or perhaps, Sir, I may be more charitable in this respect, when I consider the belief in a Supreme Being as having no efficacy to promote purity of life or truth of language, — when I regard atheism as having no concern with a man's character for truth and veracity. Now I consider it as the very test and criterion of that character, or rather as that character itself.

I speak generally, Sir, and not without remembering that there are exceptions to all rules. And I was particularly struck with the paragraph from Washington's Farewell Address, which my friend from Newbury read to us the other day, as containing a clear and true statement of both the rule and the exceptions. After asking, as he emphatically does, "where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice?" he proceeds, "let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." As if he had said, whatever may be the influence of refined education on the Humes, the Gibbons, the Jeffersons, (if, indeed, Jefferson is to be so classed, as I am by no means ready to admit,) — whatever may be the influence of refined education upon minds of this peculiar structure, the morality of men in general can only result from religious principle, preceded, of course, by religious belief.

But the gentleman from Gloucester has put to the House a puzzling interrogatory relative to the opinion that belief and disbelief are not altogether independent of the will, and has called upon us, if this be so, to will ourselves into a belief that he is five-and-seventy feet high! Well, Sir, I call upon him, in return, to be good enough to reason himself into such a belief, or to get at it in any way independent of the will. None but a madman certainly could ever entertain the idea. There is one step, however, which any man might take towards it;—he might will to say that he believed so. And if such a belief is to be considered analogous to a disbelief in deity, it only proves that disbelief ought rather to be called denial, and that there is really no such being as a sane, and yet sincere and conscientious infidel.

But let us quit these abstractions and come back to the real question before us.

We are told, Mr. Speaker, and the gentleman from Gloucester has entered into an elaborate argument to prove, that the existing rule of law is unconstitutional. A rule of law, Sir, which was in existence ages before the Constitution was adopted,—which has been in existence during the whole fifty years since it was adopted,—and which must have been, all along, well known and understood by the Convention who framed, and by the People who ratified that Constitution,—has at length in this day, and almost in this very hour, been discovered to be wholly at war with the true spirit and just construction of that sacred instrument! Parsons, Lowell, Sewall, Cushing, who afterwards so ably presided, Adams, Strong, Sullivan, Lincoln, who both before and afterwards so largely practised, in our highest courts, and to whom the rules of evidence were as familiar as household words,—they all failed to comprehend, or forgot to vindicate, the principles of that Bill of Rights, which they had themselves so carefully framed! Mr. Speaker, the argument will not even bear to be stated; it perishes in the very utterance. Sir, there were brave men before Agamemnon. There were wise men before Solomon. And it is not too much to say, that there were men who could construe our Constitution and comprehend our liberties, before even the gentleman from Gloucester or myself. Yes, Sir, to use the language of Edmund

Burke, true ideas of liberty "were understood long before we were born, altogether as well as they will be after the grave has heaped its mould upon our presumption, and the silent tomb shall have imposed its law on our pert loquacity."

But, waiving an answer which to my mind is so conclusive, the gentleman has himself furnished us with a weapon which is equally fatal to his constitutional argument. He has reminded us of that, indeed, which we all probably remembered for ourselves, that up to the year 1820 there existed a provision in our Constitution, that no man should enter these Halls of Legislation without making a previous declaration of his belief in the Christian Religion;—a provision which, for one, I heartily regret was ever struck out from that instrument. Well, now, Sir, the first and second articles of the Bill of Rights, upon which his argument has been mainly based, are entirely unchanged; they are precisely and literally the same as when they were first ratified by the people. These articles at their adoption, then, were entirely consistent with the religious test, as gentlemen insist upon calling it, which the Convention of 1820 abolished. No construction of them, certainly, is to be admitted, which would render them inconsistent with a provision which so long stood by their side, of equal authority and in the same instrument. And if they were consistent with this provision at their adoption, are they any the less so now? If it were proposed to re-insert this provision, would any gentleman have the face to say that it was unconstitutional, or inconsistent with the existing provisions of the Constitution? And if that declaration might still be required without any violation of the Bill of Rights, how much more such an expression of belief as the Bill before us would forbid?

I confess, Sir, I am at a loss to conceive how any man, who has ever read our Constitution as originally framed, or as it now exists, can listen a moment to such an argument. If any thing be clearer than another on its face, it is, that it was intended to constitute a Christian State. I deny totally the gentleman's position, that the religious expressions it contains were intended only to show forth the pious sentiments of those who framed it. They were intended to incorporate into our system the principles

of Christianity,—principles which belonged not only to those who framed, but to the whole people who adopted it. Sir, the people of that day were a Christian people; they adopted a Christian Constitution; they no more contemplated the existence of infidelity than the Athenian laws provided against the perpetration of parricide. They established a Christian Commonwealth; they wrote upon its walls, Salvation, and upon its gates, Praise; and Christianity is as clearly now its corner-stone, as if the initial letter of every page of our Statute Book, like that of some monkish manuscript, were illuminated with the figure of the Cross!

And yet, Sir, we are told that it is a mere quibble to interpret the phrase, “religious sentiments,” in the second article of the Bill of Rights, in any other way than “sentiments about religion,”—its truth or its falsity; and a gross equivocation not to admit atheists to be one of those “sects or denominations,” of which “no subordination of any one to another shall ever be established by law!” Why, Mr. Speaker, if these views of our Constitution be correct, how is it that yonder Chaplain is suffered, morning after morning, to lift his voice in prayer in this hall, and to invoke the blessing of the Christian’s God upon us and upon our labors? How is it that, week after week, a day is set aside for the worship of that God, and its solemn observance enjoined and enforced by our laws? How is it that profane and blasphemous words or writings concerning that God and his Gospel are punished as crimes against the State? Nay, the very system of oaths which our Constitution itself prescribes as the passports to every office which it creates,—why are they not abolished as interfering with the “unalienable rights” of man? Gentlemen seem to think that, because the declaration of belief in the Christian Religion is not now required in order to obtain admittance within these seats, there is no longer any exclusion. But the oath still remains, and there is no provision by which any person but Quakers can be permitted to affirm. It is clear then, that all persons except Quakers, who from any cause are incapable of taking an oath, are incompetent to the offices of government. They may, indeed, chicane themselves into them. They may go through the forms of the oath, and as

the Constitution now stands, perhaps no man can gainsay or resist them. But they must enjoy the satisfaction of knowing, that they violate the spirit and intent of the Constitution, in the very act by which they bind themselves to support it.

And here let me say, to those who so rigidly maintain the doctrine that the inquiry into a man's religious belief, which this Bill proposes to abolish, is an interference between a man and his Maker, (a plea, by the way, which no atheist certainly will presume to set up for himself, since he acknowledges no Maker,)—that the oath itself to which this inquiry is previous, is a ten-fold greater interference, and that they take their exception at the wrong place. An oath is an acknowledgment of God. A compulsory oath is a compulsory acknowledgment of God. And those who submit to the administration of an oath, and yet refuse to submit to the previous inquiry, may fairly be said to “strain at a gnat and swallow a camel.”

But it is a test. Well, Sir, and what if it is? I do not know that a thing is any the worse in itself for having an odious name applied to it. I admit that it is a test. And if gentlemen point me to the persecution and oppression of which tests have been the instruments in other ages and other climes, all I can say is, that this is not such a test. Because things may bear the same appellation, they are not necessarily the same or similar things, any more than it follows, because the gentleman from Gloucester and myself were christened alike, that he and I should necessarily advocate the same doctrines, or that I should be gifted with the same ingenuity and eloquence that he is. It is a test. But it is not a religious test, any more than it is a chemical test. It is a test of a man's capacity to take an oath, and that is the beginning, middle, and end of the whole matter.

Mr. Speaker, it seems to me that under the present system of oaths, this test, instead of being a persecution and oppression of an atheist, is a positive protection and favor to him, enabling him to escape from a ceremonial acknowledgment of a God in whom he does not believe. And why any Christian should object to it, I confess I am at a loss to conceive. There seems to be a morbid and mawkish sensibility in some men's minds upon this and other subjects, which if the law should regard, instead of

being as it is sometimes called, the perfection of human reason, it would become the mere patchwork of human whims.

But, says the gentleman from Cambridge, as the rule now stands, the atheist is an outlaw. From what right, Sir, or what privilege? I had generally supposed that to be a witness was an unpleasant and onerous duty, from which men were not sorry to be exempt. But an atheist may be murdered in the streets, or assassinated, or assaulted, when none but atheists are near, and how shall justice be administered in his behalf? Why, so may a Christian be injured or killed under precisely the same circumstances. And if the atheist be therefore an outlaw, we are all outlaws. You and I, Sir, may need the testimony of atheists as much as any of their own tribe. For myself, I am content to take the risk. But admitting that there may be some cases in which the rule will work hardly upon the atheist exclusively, whose fault is it? Who outlaws him? Has society withheld from him any of those means of religious knowledge and education which she has so liberally provided for others? Has God denied to him those inlets of truth and those influences of grace, which he has so freely bestowed upon the rest of his children? But I refrain from a topic on which I have already expressed an opinion.

It is a little curious, Mr. Speaker, that so much of this debate upon a subject so closely connected with the practice of our Courts, should have been taken up with a discussion of abstract principles. At the outset of the debate, indeed, nothing but these abstract principles was relied on in favor of the bill. Gentlemen gave us an abundance of "wise saws," but no "modern instances;" nor, indeed, ancient ones either, though the annals of infidelity seemed to have been raked back for centuries. During the last day or two, however, the discussion has assumed rather a more practical cast. And the friends of the Bill have exhibited to us some cases of the bad operation of the present rule. But, Sir, with one or two trivial and wholly unimportant exceptions, the cases are all supposed cases; the facts are all imaginary facts; the evils are all invented evils. And what is there under the sun, which will stand against such arguments? There is nothing so pure, nothing so holy, nothing so useful, no-



thing of such good report on earth or, I had almost said, in Heaven, which an ingenious imagination, which a subtle invention, may not, — I do not say merely, find fault with, and pick flaws in, — but which they may not show up in such a deformed, distorted, and monstrous shape, as to startle every one whom they address. And, Sir, if we are to yield ourselves up to the influence of such suggestions, we shall “subtilize ourselves into savages.” Our ship of state, instead of holding on that high career of Constitutional liberty, which now lies open before it, will be swung off upon a sea of speculation, — the sport of every wind of doctrine and every wave of opinion, which may blow or beat upon her sides.

Mr. Speaker, I have already dwelt too long upon a subject which had been wellnigh exhausted before I gained the floor. Yet I cannot conclude without alluding to some remarks which fell from the gentleman from Gloucester at the very opening of the debate, and which yesterday received some notice from the gentleman from Newburyport. I refer to his comments upon a recent charge of one of the Judges of our Supreme Court. I understood him to say, that the learned Judge used language of this sort, — that, if any man entertained doubts or a disbelief of the Christian Religion, he ought to keep such sentiments to himself. And the gentleman has inferred from this language, that the Judge would recommend hypocrisy to the people, and perhaps, therefore, would not shrink from practising it himself. Sir, if any such inference may fairly and reasonably be drawn, I freely submit myself, in company with the learned Judge, to whatever censure it involves. I indorse the sentiment, if it be not presumption so to speak, and adopt it as my own. I hold it to be the duty, the moral, the social duty, (and to such a man there can be no higher,) of every one who may have fallen into such a state of mind, to conceal it, I had almost said, even from himself. Nay, further, I maintain that any intelligent man, whose mind has thus been turned back from its highest and noblest object of knowledge and devotion, but who still sees clearly, as any intelligent man must see, the infinite blessings which Christianity has bestowed upon mankind, the comforts and joys in life, the consolation and hopes in death, which it has

afforded to the individual man, the civilization, refinement, peace, prosperity, and freedom which it has given to the world at large, — yes, freedom, Sir, — for under what other auspices than those of the Gospel, have the rights of men been most successfully asserted and maintained? — at what other beams than those of the Sun of Righteousness was our own loved star of liberty first kindled into being and brilliancy? — any intelligent man, I repeat, who, seeing all this, can yet go about preaching up and making proselytes to his own accursed infidelity, — however he may have the image of God upon his brow, can have nothing but the spirit of a demon in his breast.

I hope the House will reject the Bill.

Pol. Econ.  
& Free Trade.

## PROTECTION TO DOMESTIC INDUSTRY.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS, FEBRUARY 15, 1837.

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I HAVE hinted, Mr. Speaker, more than once in the course of this debate, while expressing my views of the various amendments which have been offered to the paper on your table, that I might trouble the House with a few remarks upon the general question, whenever that question should come up. It is now before us. The proposed amendments have all been rejected, and the original resolutions, in the form in which they first came from the committee-room, unmutilated and unaltered, are now awaiting our ultimate action. I confess, Sir, that I had expected, in this stage of the question, to see some redemption of the pledges which were so abundantly given out when the subject was introduced into the House. I had expected that those who were so eager and so bold to throw down the gauntlet of defiance at the outset of this business, and to cast such unmeasured terms of contumely and contempt upon the principles which these resolutions embody, would have favored us, at this point of the controversy, with something beside hard words, gratuitous assertions, or even jocular sallies to quarrel with. But though every opportunity has been afforded, and almost every provocation offered, though the gauntlet originally thrown down has not only thrice been taken up, but fearlessly and repeatedly brandished in the very eyes of those from whom it fell, no champion of free trade has yet appeared in the lists, and, so far as the principles of the Protecting System are concerned, we are still left to make battle upon an imaginary foe. Sir, I have no disposition to protract this one-sided contest. I will not conjure up shapes of opposition. I

will not enter gratuitously upon the dull discussion of abstract principles, or the dry narration of statistical details. Whatever pains I may have taken in preparation for such a task, I gladly forget;—whatever satisfaction I may have anticipated in the performance of it, I willingly forego. I will only pray the patience of the House for a few minutes, while, quitting the path which I had marked out for myself in advance, burning my books, blotting out my figures, and religiously eschewing all entertainment of abstract principles, I take up the question where I find it this morning, or rather where the gentleman from Gloucester left it yesterday.

Sir, I understood that gentleman (Mr. Rantoul) to say, in reply to the honorable member from Nantucket, (Mr. Burnell,) who had ventured to introduce the names of John Hancock and Samuel Adams into this discussion, that could those sacred shades be summoned, at this moment, from their abode, they would be among the first and foremost to protest against the unconstitutional system of taxation which these resolutions support and advocate,—that they would resist it in the same tones and in the same spirit in which they once resisted the tyrannical taxation of Great Britain. It would be easy, Mr. Speaker, to argue out, to almost any length, the countless distinctions between the Tariff of our own Congress and the taxation without representation imposed upon the American Colonies by a British Parliament. But I propose to answer this singular position by no such process. I propose to confine myself, on this point of the question, to the simple recital of one or two authentic anecdotes, which I am sure will not be uninteresting in themselves, and which are worth a brainful of arguments upon this precise issue. They are not new, Sir. I can claim no credit for having hunted them out from the heap of forgotten history. The research of others has done this, and the eloquence of others has embalmed them beyond all danger of future oblivion. But so entirely pertinent are they to the remark of the gentleman from Gloucester, and to the whole question before us, that I trust I shall be pardoned the plagiarism, if such it ought to be called, of relating them on this occasion, as nearly as I can remember, in the form in which I have found them elsewhere.

The Protecting System an unconstitutional system, and John Hancock and Samuel Adams rising from their graves to resist it! Let us go back in imagination, Mr. Speaker, about three-and-fifty years. Let us transport ourselves to the scenes and the circumstances of that distant day. The War of the Revolution is ended. The banners of liberty are at last waving in triumph over the fields upon which they have so often drooped in blood. The strife, the clash, the groan, the shout, are all over. But not so the private distress and the public depression. These, if not absolutely greater than during the heat of the war, are certainly more severely felt. No all-absorbing excitement drives them from the thought,—no all-animating hope alleviates them to the feeling. That hope is realized, and the fruition has commenced.

The Atlantic seaboard is the principal scene of this distress, and the ship-owners, the ship-builders, and the various classes of mechanics to which commerce gives support, are the principal sufferers. They are all destitute of employment, and some of them of bread. British ships are entering their ports daily and are deeply laden with British goods, but their own ships and their own goods have neither protection at home nor free trade abroad. There is no power under the existing confederation to adopt a general system of imposts, nor can any individual State successfully establish such a system for itself. Under these circumstances the idea of a Voluntary Association, which had been so effective in the days of the Stamp Act and the Tea Tax, is proposed, and a public meeting is held on the subject by the merchants and ship-builders of Boston. A Committee is appointed to draft an address to the people, and they are expressly instructed to call upon them, in the strongest terms, not to buy or consume any articles which were imported in British ships. And who is the Chairman of the Committee to whom this work is intrusted? It is John Hancock, Sir,—the same who is now summoned from his grave to protest against the abominable policy of a Protecting System.

The address is drafted, the appeal is made, and the mechanics of Boston are now assembled to respond to it. They cordially concur in the doctrines of the merchants,—they agree

to the principle that American shipping ought to be protected, and that British goods ought not to be bought or consumed when imported in British ships. But they do not stop here. They are for carrying the system of protection a step farther, and they insist, in their turn, that these British goods ought not to be bought or consumed at all. "For," say they, "Mr. Hancock, what difference does it make to us, whether hats, shoes, boots, shirts, handkerchiefs, tin-ware, brass-ware, cutlery, and every other article, come in British ships or come in your ships; since, in whatever ships they come, they take away our means of living." It does not appear, Mr. Speaker, what answer was given by Mr. Hancock to this pregnant interrogatory. I know not what answer he could have given but one of assent and approbation. At all events we see him here one of the earliest advocates of a protecting policy; and who can doubt that could the conjuration of the gentleman from Gloucester summon him out of his grave in the faith in which he went down into it, he would be found so still? But let us turn to another scene, and another character.

Let us come down, Sir, to the beginning of the year 1788. The Constitution of the United States is in the process of adoption. Four or five States have already given it their sanction, but as many more are required to carry it into operation. The decision in other States is extremely doubtful, and nowhere more so than in Massachusetts, whose Convention is now in session. John Hancock, it is well known, is President of this Convention, but Samuel Adams also is a conspicuous member. He is naturally of a cautious and doubting disposition, and has many fears of the practicability and safety of the proposed form of government. The whole weight of his name and character are consequently arrayed at the outset against its adoption, when suddenly a change comes over his views, and is visible in his conduct. The mechanics of Boston have held a meeting at the Green Dragon. They have passed resolutions. They have sent those resolutions to Mr. Adams by the hand of Paul Revere. "How many mechanics," says Mr. Adams, "were there at the Green Dragon when these resolutions were adopted?" "More than the Green Dragon could hold." "And where were the rest?" "In the streets." "And

how many were there in the streets?" "More than there are stars in the sky." I see before me, Mr. Speaker, one of the very mechanics who met at the Green Dragon on this eventful occasion. My venerable friend and colleague (Zachariah Hicks) was not merely a witness but a party to this scene. He was a Whig in that day, as he is in this. And what were the resolutions which he assisted in passing? They declared that, if the Constitution were adopted, "trade and navigation would revive and increase, and employ and subsistence be afforded to many of the townsmen then suffering for the want of the necessities of life," while, on the contrary, should the Constitution be rejected, "the small remains of commerce yet left would be annihilated — the various trades and handicrafts dependent thereon decay; the poor be increased, and many worthy and skilful mechanics be compelled to seek employ and subsistence in strange lands." These were the doctrines of the mechanics of that day; — these were the hopes which they entertained in advocating the adoption of the Constitution; — encouragement to their own labor and protection from foreign competition. And partly, at least, under the influence of these doctrines and these hopes, thus expressed and thus conveyed, Samuel Adams abandons all opposition to the Constitution, and John Hancock unites with him in its favor. There is no longer any doubt; the question is decided; and Massachusetts gives, as it were, the very casting vote in favor of the Constitution. The example of conciliatory moderation which she sets, in proposing amendments to be acted on *after* its adoption instead of *before*, is followed by other States, and the ratification is soon complete. And yet we are now told, Sir, that Samuel Adams and John Hancock, could they rise from the dead, would be among the first and foremost to protest against the Protecting System as an unconstitutional system of taxation!

Mr. Speaker, the anecdotes which I have related do not simply demonstrate the absurdity of this idea. They do not only prove to us which side these distinguished persons, if permitted to revisit this scene of their patriotic labors, would take in the questions before us. They also exhibit to us distinctly the circumstances and the sentiments under which the Constitution of the United States was adopted, and the immediate ad-

vantages which were expected from its adoption. Compare, now, these two incidents together; look at the *cause* of the depression and distress which pervaded the country, as explained in the first, and at the *remedy* which was prescribed and administered in the last, and then add a single other fact to your view — a fact, which the published statutes of the country attest, — that the very first Revenue Act which was adopted by Congress after the Constitution went into operation, contained in its preamble the express declaration, that the duties it imposed were laid not only for the support of government and the discharge of the public debts, but for the encouragement and protection of manufactures; — and then give sentence with me, Sir, as to the unconstitutionality of this system of taxation!

But let me turn from argument to authority upon this point. The gentleman told us the other day that Daniel Webster once asserted the unconstitutionality of the Tariff. Now, it is true, I believe, Mr. Speaker, that this distinguished statesman did venture to say, some twenty years ago, in the *deliberate* form of a Caucus Speech, that, as an original question, — the practice of government set aside, — the power of Congress to lay duties for protection was, in his opinion, a more doubtful one than that to expend money in Internal Improvements. Something of this sort he has himself confessed. But, most fortunately, Sir, he has also confessed under what influence it was that he resolved these doubts, — at the feet of what Gamaliel he unlearned this opinion. It was James Madison, we are told, who satisfied Mr. Webster on this point, so far as the practice of government had left it an open question — JAMES MADISON — whose opinions, I had supposed to be the very scale and standard of true, old-fashioned Republicanism. The vaunted democracy of the present day, it seems, is seeking newer lights, and it is welcome to the whole benefit of their brilliancy. But there are those in this House, and a majority, too, I believe, who desire no better authority, on this subject at least, than that of James Madison, and who will rest their belief in the constitutionality of the Tariff on his opinions, without any fear or any misgiving.

But the anecdotes which I have related have still another ap-



plication. They teach us, Sir, what class of our citizens were most deeply interested in that general system of imposts which the Constitution established, and in the encouragement and protection of manufactures which that system was intended to involve. They teach us *whose* "means of living were taken away" by the free importation of British goods and the free entry of British ships, and *who* "would be compelled to seek employ and subsistence in strange lands" unless the power of regulating trade and protecting manufactures were conferred upon the general government. And, Mr. Speaker, it is now as it was then. It is not the rich capitalists and corporations, who are so artfully chimed upon in every other sentence of Mr. Cambreleng's Report, and to whom the people of the country are falsely represented as paying an involuntary and odious tribute, — no, Sir, it is the artisan, the mechanic, and the tradesfolk, who will suffer before all others and more than all others if the protecting system be abolished. It is the wages and earnings of the laboring poor which will be affected first and affected most by such a step. It is one of the blessings which this country has hitherto enjoyed, that the natural rate of wages is high, — higher than anywhere else on the face of the globe. The gentleman from Gloucester will not disagree with me in the position that this is a blessing, and that the condition of that country is most prosperous and most happy where labor receives the largest reward. But it is this same high rate of wages which makes us enter upon the manufacturing system to so great disadvantage. I find, in the last number of the American Almanac, a statement which speaks volumes on this subject. That excellent periodical contains a table of the average wages of all persons employed in the Cotton manufacture, in almost every country where the Cotton manufacture exists. It is as follows :—

In India — from 1 to 2 shillings sterling per week.

In Saxony — 2s. 6d.

In Austria — 3s. 9d.

In Switzerland — 4s. 5d.

In France — 5s. 6d.

In England — about 10s. sometimes 12s.

IN THE UNITED STATES — about 14s. 11d.

I know no reason, Sir, for supposing that this disparity is confined to the wages of those employed in the manufacture of cotton;—every reason, on the other hand, for believing it to run through the whole range of human labor. Indeed, we need no statistical tables to teach us this fact. The unebbing tide of immigration which is daily flinging upon our shores such masses of life and limb, proves to us beyond all doubt, that there is something in our condition which Labor will leave home and kindred and country to obtain. Nor are we at a loss to account for this thriving condition of American labor. To say nothing of moral, social, or political causes,—the cheapness, fertility, and abundance of our Western lands, holding out to the laborer a temptation, which nothing but a rate of wages bearing some degree of equality to the certain profits of his own produce upon that luxuriant soil can check or counteract, is alone sufficient to explain it.—But I find myself departing from my promise to abstain from abstract discussion. I will only repeat my conviction, that it is labor more than any other element in our manufacturing capacities, which demands protection of the government; that it is labor which has hitherto received the greatest share of that protection which the Tariff has been arranged to afford; and that it is labor which must bear the heaviest burden of discouragement and loss whenever that protection is abandoned. The profits of capitalists and corporations! Depend upon it, Mr. Speaker, domestic competition will take care that these are not too high, and if there be not capital enough at home to furnish that competition, foreign capital will flow freely in to its aid. It is no part of the protecting system to prevent that kind of competition, nor does it in any considerable degree do so. But the competition of the half-clad, half-starved, and wholly uneducated labor of the Old World, with the well-dressed, well-fed, virtuous, and educated labor of our own land—a competition which, with but a slight tendency to elevate or improve the one, would have the certain effect of dragging down and degrading the other,—this the Protecting System does provide against, and God grant that such a provision may never be abandoned!

Mr. Speaker, the paper on your table has more than once been

denominated, both by its friends and foes, a confession of faith, and I am inclined to ascribe to the associations which this term always brings along with it, a good deal of that microscopic criticism which we have witnessed for a few days past. Sir, if by this term — a confession of faith — it only be intended that the paper contains propositions which ought to be believed before they are assented to, it is as true of this as it is of every other document which is introduced within these walls. But if this appellation be intended to convey the idea that there is any thing theoretic or speculative, any thing abstract or abstruse, any thing of mere closet meditation or moonlight philosophy, about these Resolutions, I entirely dissent from the justice of the nomenclature. It is no such cobweb affair. Adam Smith and John Baptiste Say may be the very old and new Testament of Political Economy, and yet this Protest may be as true as either of them. It is a plain, practical statement of the effect of an existing law upon the business interests of the Commonwealth, and of the probable influence upon those interests of a proposed change in that law. It is rather a confession of *works*, than a confession of *faith*. It deals with what is done, with what is doing, and with what is proposed to be done. And no gentleman ought to be permitted, and depend upon it, Sir, no gentleman will be permitted by his constituents, to escape from the responsibility in which this question involves him, by sheltering himself behind the antique armor, the rusty mail of abstract principles.

Gentlemen who vote against these resolutions must take one of two courses. They must either adopt the opinion that what is called the Protecting System is falsely so called, that it is not necessary, that it protects nobody, that it does no good to the country generally, or to this Commonwealth in particular, and that its abandonment will injure nobody, — and in adopting such an opinion they will go counter to the doctrines of the very Report on which Mr. Cambreleng's Bill is based, to the sentiments of almost all the discreet and considerate men of all interests and all parties, and to the thousand evidences which our statistical tables, to say nothing of our own senses, are annually presenting us; — or, admitting that the system deserves

its name, that it has protected American industry in general and the industry of Massachusetts particularly, that it has been a main spring in the prosperity of both our Commonwealth and our country, and that its abandonment would occasion a great diminution of that prosperity and a great depression of that industry, — they must confess themselves guilty of giving their voluntary sanction to these results, and of basely assenting, under some personal or political influence, to the sacrifice of the interests and property of the people.

And who doubts that such a sacrifice would ensue? Who doubts that if the manufacturing interests of the country were prematurely abandoned to their fate, not only millions of capital would be sunk, but thousands of hands would be thrown out of employment, the wages of labor be everywhere reduced, the hands thus diverted from manufacturing occupations be forced into agricultural pursuits, the number of agricultural producers be thus increased, the number of consumers diminished, and the prices and profits of our farmers be cut down? But even this is not all. There are hands, Sir, which, if taken away from the loom and the spindle, cannot be turned so readily to the plough or the spade. There are natural powers, too, which never tire in the work for which God has created them, but which will not consent to be made the sport of man's caprice. The factory girl and the water-fall which now lighten each other's labors and respond to each other's song, and together contribute so much to the prosperity and property of our Commonwealth, — what but the Protecting System has called them into action, and under what other system can that action be maintained?

And even that portion of our labor, thus wrested from its present employment, which is capable of being diverted into agricultural occupations, — where, think you, it will find those occupations? On the barren and rocky soil of Massachusetts? No, Sir. Anywhere but there. It will betake itself thousands of miles off; it will seek refuge in the rich valleys of the West; the tide of domestic emigration, to which the manufacturing policy of Massachusetts has been a bar, will be let flow, our population will begin to retrograde, and we shall be

driven back into that old colonial condition, when it having been discovered by the British Parliament "that the erecting manufactories in the colonies, tended to lessen their dependence on Great Britain," our hat-makers were put under restrictions, the manufacture of iron and steel was prohibited, our slitting mills, plating forges, and furnaces were declared common nuisances, and even the best friends of our liberties in the mother country maintained that we ought not to be suffered to make a horseshoe or a hobnail for ourselves;—when the *fish* that hangs on yonder wall, and the acorn that forms the apex of our dome, were the emblems of our only staples, and when the Indian that still is pictured upon our arms, was roaming at will through our primeval forests.

Let me not be thought, Sir, to allude to the fisheries with disrespect. I like to look at yon time-honored emblem of the early industry and enterprise of our citizens. The simplicity of the fisherman has claims to our regard which have been endorsed by a higher than human authority. And there is something beside simplicity in his character. It was well said by my excellent friend from Nantucket, (Mr. Gardiner) the other day, that the Nantucket boys feared nothing and flinched from nothing, for they had been taught from their youth to battle with the monsters of the deep. That little barren island, Sir, of which he spoke, is a perfect miracle on the face of creation. Without containing within its own limits, I believe, a single material for building, or rigging, or furnishing a ship, without even a decent harbor to float one in, it has yet done more for the commercial and navigating interests of the country than any other spot on its whole surface. Success to the fisheries wherever they may be, at either cape and on any coast, and may yonder emblem always be suspended before the eyes of the Representatives of Massachusetts, not only reminding them of past energy and enterprise, but representing itself one of their present most valuable staples! But I cannot regard with any less satisfaction, Mr. Speaker, those other emblems which are quartered and clustered around it,—the emblems of agriculture, of commerce, of education, religion, and justice, no, Sir, nor even that of the despised and neglected militia,—after all,

the only safeguard of a free State. And there is one, too, which is not yet among them, but which is even more distinguished by its absence,—the emblem of an industry which was not even in embryo when these fresh-looking walls were reared; of an industry which is still in its infancy, but whose infant step is even now a giant's stride; which has done as much for the prosperity of our Commonwealth in its earliest youth, as others in their maturest age, and which, at the same time, instead of an envious and grasping rival to others, has proved itself their best patron and friend. Sir, the question now before us is, whether, so far as we are able to decide, this industry shall be cherished or crushed; whether its emblem shall be permitted to take its place among our most honored insignia, or whether it shall be consigned anew to that obscurity to which British interests and British tyranny originally doomed it, and from which it is now so auspiciously emerging. For one, Sir, I desire that the escutcheon of my native State may be adorned with the emblems of every industry which can afford employment to the faculties or reward to the enterprise of man; of every art which can improve his condition or increase his happiness; of every science which can give a higher reach to his intellect, or a wider range to his investigation; of every institution and every influence which can fit him for a better enjoyment of that glorious liberty which is his heritage here, or of that more "glorious liberty" which is his hope hereafter! The factories and the fisheries, agriculture and commerce,—they have no opposite nor even separate interests; any more than the machine has a separate interest from the oil which destroys its friction, or the ship has a separate interest from the cargo which pays its freight. Alone, they may be crushed or broken. Alone, they are at the mercy of every change of domestic or foreign policy; now stimulated by a war—now depressed by a peace—deranged by the mere breath of cabinets—disturbed by the mere vapors of the press. Separate, and you may snap them at will. But bind them up in the same bundle of life, and place them in the firm talon of Liberty, and they will be strong in each other's strength, and will form, too, the brightest ornament and the best defence of that liberty itself.

Look at our history, Mr. Speaker, and say if this be not its lesson. Has not our commerce been stimulated to excess by the wars of Europe, as often as they have occurred, only to be involved in depression and disaster on the return of peace? Have not the products of our agriculture been multiplied in amount and in value, by the necessities of those who have been forced to beat their own ploughshares and pruning-hooks into swords and spears, at one moment, only to be left to rot in our granaries, or to be sacrificed in our markets, at the next? What was it, too, that first called our manufactories into existence?—What but our own war with Great Britain and the commercial restrictions by which it was preceded, involving, as they did, the prevention, if not the prohibition, of all imports of foreign manufactures, and not so much the protection, as the absolute creation of almost all our own? And, when peace was restored, what but this very Tariff System, which then had its origin, and which it is now proposed to abolish, preserved our war-begotten establishments from entire destruction and overthrow?

These lessons, if read aright, teach us that something beside dollars and cents is involved in this system. We gained but half our independence, Sir, when we fought ourselves free from the political yoke of Great Britain. Nor, can that independence be regarded as complete, as long as we have not within our own limits all the means of self-defence, in the largest sense of that term, including not merely arms for our hands and ammunition for our arms, but clothing for our limbs as well as food for our mouths. And those means we never can be sure of, until American industry is placed beyond the reach of these controlling and over-shadowing influences. Free from these influences entirely, indeed, it never can be. And we should willingly submit to such portion of them as a wiser Power may have designed, as ties of brotherhood and bonds of peace among the nations. We need be in no fear, Sir, of counteracting that Power in this respect. It is the last way to preserve peace, to show ourselves unprepared for the defence of our rights or territory. That dependence which, while we were colonies, as we have seen, it was the policy of the British Parliament to promote, by forbidding “the erecting of

manufactories," it ought to be our own policy, now we are a nation, to prevent. And while we protest against Mr. Cambreleng's bill as destructive to the interests of our citizens, we ought not to forget, that it would impair the independence of our country.

Mr. Speaker, the sum of the whole matter contained in these resolutions is this; — that a system of encouragement and protection to domestic manufactures was, long ago, deliberately adopted by the national government; that under the shadow — I should rather say, under the sunshine — of that system, vast amounts of the capital and industry of Massachusetts have been invested and engaged in these manufactories, and in the production of those supplies for which a manufacturing population creates a market; and that the abandonment of this system will lead to the destruction of much of that capital, and to the diversion and depression of much of that industry. And it is no answer to this position, even if it were true, that the system was originally inexpedient and impolitic, or that it was founded upon false and ill-considered principles. Why, Sir, would it be quite consolatory to our farmers, our mechanics, our tradesfolk, and laboring poor, when they should be deprived of the means of sending their children to school, perhaps even of giving them comfortable food and clothing at home, by the reduction of their prices, their wages, and their earnings and profits of all sorts, to show them that volume of Adam Smith, which the gentleman from Gloucester threatened to read to us the other day, and point them to the page and paragraph in which it is clearly demonstrated that upon every principle of political economy they ought to be now more prosperous and thriving than ever; that it was under the existence of the Protecting System they ought to have felt these pinchings of poverty and of want, but that, by its abandonment, they ought forthwith to be restored to abundance and wealth? Would the wise saws and plausible sentences of a Professor of Economics render them entirely satisfied with this change of condition, or work the more soothing miracle of convincing them that it was only changed for the better? Would that labored report of Mr. Cambreleng's, with all its facts and all its fancy, completely



reconcile them to their wretchedness, and even make them in love with their misery? Or is it that little lying title of the bill which is looked to as the antidote of the bane beneath it? The wants of the government! Sir, that significant phrase, properly and truly applied, has been, and would again be, a perfect *open sesame* to the purses of the people. Their last dollar and their last drop of blood would be alike at the service of the country, whenever they were really wanted.

But what have the wants of the government to do with this matter? Because there is more money in the treasury of the nation than the newly conceived constitutional scruples of a particular administration will permit it to spend, or even than its unscrupulous and corrupt extravagance will suffer it to squander, shall the pockets of the citizen be rifled, or the earnings of his industry be curtailed? In order to reduce the public revenue some six or seven million a year, shall an annual production of private labor and capital, amounting, by the enormous estimate of Mr. Cambreleng himself, to three hundred millions, be subjected to ruin or even to risk? Is this good statesmanship? Is this sound policy? Can no other Ways and Means be devised, which would answer the purpose with less loss and more certainty? A surplus in the public purse, is, doubtless, a great evil; but I imagine, Sir, the people, if it were put to them, would decide that a deficit in their own was a greater. The people of Massachusetts, I know, would so decide. They would respond to the deceptive argument, which is placed at the head of the bill, against which we are now protesting, in the language of one of their own statesmen, which, though written more than four years ago, has a singular, and almost prophetic applicability to the case before us. They would say in the words of Mr. Adams, in his masterly report on manufactures in 1833,—“It is the right of the citizen, and not the necessities of the community, which constitutes the fundamental principle upon which the obligation to protect the interest of the manufacturer, or of any other member of society, is incumbent upon the nation.” “It is the interest of the citizen, and not the wants of the country, which circumscribes the legitimate objects of protection.”

Particular pains seem to have been taken, in the course of this debate, Mr. Speaker, to hold up an idea to the House, that our distinguished Senator, Mr. Webster, has been guilty of some gross inconsistency in relation to this protecting system. I have already alluded to one expression of this kind. But that was but trivial and unworthy of comment, compared with many other and more general strictures to the same effect. We were elegantly told, for instance, the other day, that Daniel Webster, having expended his whole power in defending the principles of Free Trade in 1824, had since found himself unable to answer his own arguments, and had been forced to eat his own words. Sir, this charge is old and stale; too old and too stale, I should have supposed, to have had any temptation for the originality and ingenuity of the gentleman from whom it fell. Why, as long ago as the famous Debate on Mr. Foot's Resolution in the Senate of the United States, this same charge was made by Mr. Hayne, of South Carolina. It was, even then, old and stale, Sir. But fortunately, it was not then made behind Mr. Webster's back, and in that ever-memorable speech in reply to Mr. Hayne, which still stands unparalleled on the pages of American eloquence, he indignantly and triumphantly repelled it.

It is not, however, to be wondered at, that it should be revived and repeated by one who has taken occasion, in the same breath, to re-construct the charge of "an accursed policy," which was brought against the tariff by that same distinguished nullifier, in the hardly softer terms of "an infernal system." The charges belong together, and will doubtless be appreciated together by the people of Massachusetts. Sir, the speeches of Mr. Webster on the subject of the Tariff, in 1824, and in 1828, are now bound up together in the same volume, and, as if to challenge, certainly to facilitate, the closest and most searching criticism, they have been placed side by side, without a single intervening page. I commend them to the fresh reading of the gentleman from Gloucester, and, indeed, of the whole House. They will amply repay it; richly reward it. And no candid reader, I am persuaded, let his opinions about politics generally, or the protecting system in particular, be what they may, will rise from their perusal, without acknowledging, at once, the utter injustice, the entire

falseness of such a charge. The course of Mr. Webster, Sir, in relation to the Tariff, and I might as well say, in relation to almost every other question of national policy, has been the course of Massachusetts. Massachusetts, in common with the other New England States, opposed the tariff at its origin, and continued to oppose it until after the act of 1824,—an act by which it was virtually declared that a protecting system was thereafter to be considered as the settled policy of the country. From that moment her opposition ceased, and her citizens generally, instead of persevering in unavailing efforts to destroy that system, resorted to the more prudent and more patriotic course of accommodating themselves to it. They invested large amounts of capital under its inducements, and their interests soon became inseparably identified with its preservation. And for such preservation, both in letter and in spirit, she has ever since voted. Such has been the course of Massachusetts, and such has been the course of her distinguished Senator, and the whole sum of their inconsistency is contained in the acknowledged fact, that they would not take part in pulling down upon their own heads, and upon the heads of thousands of citizens who had been compelled to seek its shelter, a vast and costly structure, merely because they had declined to approve its model, or to assist in laying its corner-stone.

Mr. Speaker, the career of Mr. Webster is before the country ; it may be his whole career. Rumors are already rife of his intention to retire from public life, temporarily at least, perhaps forever. Let him retire when he will, he needs no defence, he requires no eulogy, he fears no investigation. He has not, indeed, squared his consistency upon the modern fashionable block. He has left it to others to suit their sentiments to the times, or to reserve all knowledge of those sentiments within their own breast. He has left it to others to pander to popular prejudices, to fan popular discontents, to stimulate the poor against the rich, to sacrifice principle to policy, and to follow the shadow of consistency by abandoning its substance. His course is before the country, and let him retire when he will—may it be still a distant, distant day—he will leave light, imperishable, unfading light, behind him ; and that not only gilding his own memory, and

casting glory upon the Commonwealth of his adoption, but cheering and guiding and illuminating the path of Constitutional patriotism throughout all generations. Other stars, Sir, may have reached a higher ascension, may have sparkled with a more dazzling lustre, may have shot with a wilder fire. Meteors, too, may have flashed, and flamed, and glared, and cost a moment's wonder or a moment's fear, and passed away. But as long as our glorious Constitution shall be borne up upon the waves of time, and its banner of Union and Liberty be seen streaming to the winds, in every moment of doubt, in every hour of danger, the passengers and the pilot will be found turning alike to their direction to our own NORTHERN STAR—always clear, always above the horizon—

“Of whose true-fixed and resting quality,  
There is no fellow in the firmament.”

In conclusion, Mr. Speaker, let me express the hope that the resolutions on your table may not only pass, and pass in their present shape, but pass, too, with the general and cordial assent of the House. Sir, if from any spot on the wide surface of this Union a sound of undivided, unbroken, unanimous remonstrance ought to go up to the National Councils against the measure to which these resolutions relate, it is from this very spot. If, upon any occasion, the voices of all political parties, and of all personal and public interests throughout this Commonwealth, ought to lose their conflicting tones, and leave their jarring discords, and mingle in one deep diapason of deprecation and protest, it is upon this very occasion. Here, in the hall of the Representatives of Massachusetts, assembled to watch over the interests and to provide for the welfare of the whole people,—here, when those interests and that welfare are menaced with destruction, a voice, as it were of one man in unity, as it were of that whole people in volume, ought to be uttered;—and here, it would seem to me, if those Representatives are true to their trusts and faithful to their constituents, such a voice ought to be uttered now. And notwithstanding some symptoms of opposition in other stages of this business, and notwithstanding

that in this last stage, also, one gentleman, at least, who is not accustomed to act alone, or to cry "follow" to no effect, has argued with all his energy and all his ardor against the resolutions, I can hardly help believing that such a voice, substantially, will now be heard. I cannot bring myself to believe, Sir, that any considerable division of opinion exists or will be expressed upon this subject. Gentlemen may have differed as to the expediency of introducing it here, may have been desirous, some of them, to prevent its introduction, and may still regret the necessity, in which it involves them, of choosing between allegiance to their party leaders elsewhere, and fidelity to their constituents here. But now that the question is brought fairly before them, now that they are compelled to give their yea or nay to the propositions which these resolutions contain, I cannot believe that they will hesitate long which to choose, or falter in the expression of their choice.

I hope and trust, Sir, that we are to see no party lines drawn in the decision of this question. I hope and trust that neither the wool growers of Berkshire, nor the manufacturers of Middlesex, all or any of them, are to have their opinions belied and their interests betrayed, out of mere party feeling. I hope and trust that the great manufacturing Capital of New England, which at the touch of the protecting system has risen up almost in an instant to her present station of prosperity and pride,—should she be doomed in some future day to take up her lamentation and say, "how doth the city sit solitary, that was full of people,"—will be spared the pain of going on with the words of the Prophet and adding, "all her friends have dealt treacherously with her, they are become her enemies." One gentleman from Lowell, (Mr. Mansur,) indeed, has frankly avowed his purpose of voting for the resolutions; let us hope that he will not stand alone. Gentlemen may have agreed with the gentleman from Gloucester, that we ought not to compromise the dignity of the State by interfering with Congress upon trivial occasions, and thrusting our impertinent petitions in its face to no purpose, that we should reserve our applications for cases of the last importance,—the passage of a resolution, for instance Mr. Speaker, to falsify and mutilate the

Constitutional Records of Congress, in order to appease the wrath and conciliate the countenance of censured sovereignty — and that we ought not to waste them upon such paltry matters as *the prosperity and property of the whole people*; — but now, Sir, that this remonstrance is destined to reach Congress, as no one can doubt it is, I cannot believe that they will deny their assent to its principles, or their vote to its passage.

## CONGRATULATIONS TO THE WHIGS OF NEW YORK.

A SPEECH DELIVERED AT MASONIC HALL, NEW YORK, NOVEMBER 22, 1837.

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MR. MAYOR AND GENTLEMEN,—

I STAND before you as the organ of a delegation from the Whigs of Boston, to offer you their congratulations on the event which has given occasion to this festival. I might well wish, with the gentleman from Rhode Island, who has just taken his seat—and much better wish it than he now could, since he has already performed his own part so honorably—that this duty had fallen upon stronger shoulders. Pressed into the service, as I was, at short notice, and with no opportunity for preparation at home, and tossed upon the Sound, as I have been until within an hour past, ever since I left home, with no source of inspiration at hand but the fog through which we were groping, I feel myself no fit representative either of those who have sent me here, or of those by whom I am accompanied. Much less do I feel competent to answer the expectations, or to do justice to the deserts, of those whom I address. But I have at least this consolation, Sir,—that, a thousand times better qualified for the position which I have the honor to hold, as are many of those whom we have left behind us, and many too, let me add, of those whom we have brought with us, no one, no one of them all, whether present or absent, could do entire and perfect justice to this occasion. Human language is adapted to the description of ordinary events, and to the expression of ordinary emotions. But its strongest terms seem weak, and its choicest phrases sound common, and its warmest figures fall cold and frozen from our lips, when we are called upon to deal with an

event of such startling character, of such momentous consequence, as that which you are assembled to celebrate. And that tongue has never found a place in mortal mouth, that voice has never vibrated on earthly air, that language has never been reduced within the compass of human sounds or human signs, which can express, with any approach to justice, the triumphant thrill of joy which that event produced in the bosom of every Boston Whig. In the name of every Boston Whig, then, I congratulate you on its occurrence, and from the bottom of all their hearts, I thank you for the exertions by which it was brought about.

What is that event, Sir? Is it the election of a handful of Whig Senators or a hundred of Whig Representatives to the Legislature of New York? What possible interest could the Whigs of Boston have in such a result? The jurisdiction of those magistrates could never extend, either for good or for evil, one inch beyond the boundaries of your own Commonwealth;—no, Sir, not even were they to stretch and strain their prerogative to the full dimensions and stature of the most approved democratic standards. Is it the mere success of a few thousand political friends, and the consequent defeat of a few thousand political foes? Why, Sir, such things have happened before since the world was made, and, thank Heaven, they have been getting to be pretty frequent within the last few months. But though the Whigs of Boston have always been rejoiced to hear of them, they have never regarded it as altogether indispensable, or, indeed, as anywise important, to despatch an embassy hundreds of miles over sea and land to say so. Is it the downright rejection and reprobation by a great majority of that very people who, above all others, were relied on for its approbation and adoption, of a financial policy which has already brought embarrassment and bankruptcy upon half the country, and which seemed destined in its further progress and final consummation to crush every energy and cripple every industry it had hitherto spared? Not even this definition, Sir, just and true as it is as far as it goes, conveys any adequate idea of the event, which, in the eyes of the Whigs of Boston, you are now engaged in celebrating. Embarrassment and bankruptcy, indeed, we have all seen and



suffered enough of. The people for whom I speak, have not merely sympathized with them elsewhere; they have shared them at home. And their share, you well know, Sir, has been neither light nor inconsiderable. But had it been ten times greater than it was, had it pleased Heaven to steep them in poverty to the very lips, so it had really been the work of Heaven, so it had resulted from their own rashness or mismanagement, so no wilful and wanton act of authority in other men had produced it, so any advantage, so even no detriment, were thereby accruing to the Republic and its liberties, they would have borne it all, and more than all, patiently and cheerfully. Massachusetts Whigs have learned of their Pilgrim Fathers to murmur at no dispensation of an overruling Providence. And they have learned, too, of their Patriot Fathers, neither to gainsay nor to grudge any amount of costs and charges which the maintenance of their rights and liberties may require; and that, Sir, whether payment be demanded in gold and silver, or whether it may only be rendered in the harder coinage of their hearts, or in the purer currency of their blood.

It is then, Mr. Mayor and Gentlemen, in no spirit of mere party triumph; it is with no feeling of mere pecuniary relief; it is not to make merry with victorious friends; it is not — certainly, certainly, it is not — to exult over vanquished enemies; nor is it only to testify our exceeding joy that the rash and ruinous policy of the national administration has received a blow from which it can never rise, and never in any degree recover, that we have come all the way from Faneuil Hall to offer you our hands, and to open to you our hearts on this occasion. The Whigs of Boston have felt that something more than all this has been accomplished; that something more worthy of the illuminations and bonfires and bell-rings, and all the signs and modes and shows of a people's joy, to which this whole day and this whole City is devoted, has been achieved. We have come, Sir, to congratulate you on a Constitution restored to supremacy, on the interests of a whole people redeemed from oppression, on the rights of a whole people rescued from overthrow, on this great and glorious Republic, with all its appurtenances and all its attributes, checked, arrested, stopped — I do not say on the brink,

but—midway down the steep of a fatal chasm, and raised up and replaced in safety on that old straightforward, constitutional, track of Liberty and Law, for which alone it was first constructed, and along which it has run with unmatched speed for more than forty years!

Such, Sir, it has seemed to us, is the event you this day celebrate. Such and so great—if New York be but true to herself hereafter, and who shall dare to suggest that she will ever again be false?—such and so great will be the results of her late unexampled achievement.

Sir, this is neither the time nor the place for an argument. But no argument can be needed to sustain any thing that is expressed or any thing that is implied in the view we have taken of your victory. We all know that not only the prosperity, but the liberty of this country has, for eight years past, been overshadowed by an arbitrary and despotic power, and the rights of the people trampled in the dust by the iron heel of a usurping military favorite. We have all heard the will of one man proclaimed absolute throughout the land. We have all seen that single will guiding, governing, controlling, every thing,—vetoing laws proposed, nullifying laws passed, dictating the proceedings of one branch of the legislature, expunging the records of the other, overleaping treaty obligations, denying the validity of judicial decisions, defying the very precepts of the Constitution, crushing old institutions, creating new institutions, removing everybody that could in any way be removed, appointing everybody that was in any way to be appointed, yes, Sir, up even to the successor to that exalted station, which, fortunately for the nation, it could itself no longer hold, as the vantage-ground of its own unsatiated dominion.

And that successor—what have we seen or known of him? I will not speak of him as a man. I will say nothing of his political character or personal qualities. I leave all these considerations to New York justice—to the justice of those who have seen him most, and who know him best—to that justice of which the venerable gentleman from Dutchess County has already given us a fair sample, if not a full measure. But what has he done as President of this Republic? What has he promised, pro-

posed, or performed, as the chosen chief magistrate of this great people? Coming into power, and called upon to declare his purposes, at a moment when that whole Republic was wrapped in thick, wide-spread, midnight gloom, and that whole people bowed down beneath a weight of affliction almost unprecedented in the history of the commercial world, what light did he throw in upon that darkness? what consolation did he offer to that affliction? Light! Sir, it was the light of another night, new-fallen upon midnight. Consolation! Sir, it was the consolation of that angel-voice in Revelation, which, after four trumpets of wrath had already sounded, after the third part of the trees were scathed and withered, and all the green grass was burnt up, after the third part of the sea had become blood, and the third part of the ships were destroyed, after the third part of the glorious sun and stars were smitten and had ceased to shine, was heard crying in Heaven,—“ Woe, woe, woe, to the inhabitants of the earth, by reason of the other voices of the trumpets which are yet to sound!”

Happily, Sir, this voice was not uttered, in the present case, under any sanction of Divine right. Happily, the inhabitants of the earth to whom it related, were not, in this instance, the doomed subjects of a supreme, original, unquestionable authority. The power from which it proceeded was a mere human power—an entirely derivative power—an easily controllable power. And more than all, it was a power derived from that very people, and responsible to that very people, upon whom all these past woes had fallen, and all these future woes were about to fall. If that people would, they could hear the voice. If they would, they could interpret its tones. If they would, they could avert its dreadful denunciations, and put it to shame and to silence forever. And, Sir, it is the very event upon which we have been sent to congratulate you this day, that the people of this great State of New York have heard it, have understood it, and have, as far as on them depends, condemned it to shame and to silence for the future.

Mr. Mayor, the triumph of this day, neither in itself nor in its influences, relates to your own State only. No, Sir, I see the whole people of this country rising up to claim a share in it.

The State of New York, by its wide-spread territory and thick-settled population, by the inexhaustible resources of its soil, by the indomitable, and, I had almost said, illimitable, enterprise of its seaboard, and by all the countless attributes of wealth and pride and power with which it is crowded, exerts an influence over the concerns of this Republic, to which not even its great number of actual votes in the national councils furnishes any adequate index. But this is not all. It has been reserved to this great State to give that last finishing stroke to a series of strokes, that last crowning victory to a series of victories, without which all the rest would have been wellnigh wasted, but with which the cause of the Constitution and of the people is secure!

And there is still another view, Sir, in which the whole country may be said to claim a share in this triumphal jubilee. Many of the States of this Union, almost all of those which are represented here to-day, and many of those which are not represented, have already asserted that claim for themselves at the polls. Maine has done it; Rhode Island has done it; Vermont has done it; Massachusetts, I need not say, has done it. It has been asserted by Indiana, Kentucky, Tennessee, and Ohio; by New Jersey, Delaware, Maryland, and, I had almost added, Michigan; but I have this instant learned that Michigan has at length been ascertained to have given a majority of nearly four hundred votes in favor of our adversaries,—

“ Oh, mighty Cæsar ! dost thou lie so low,  
Are all thy conquests, triumphs, glories, spoils,  
Shrunk to this little measure ! ”

But, Sir, with this single exception, if, indeed, an exception it can be called, all the States which I have named have asserted by their own noble acts, an indisputable claim to a share in the triumphs of this day. But why should we stop there, Sir? Who shall fix the limits of that great tide of regeneration which is now washing over the land? Who shall say unto it,—thus far shalt thou go and no further? Who shall declare that here its proud waves shall be stayed? For one, Mr. Mayor, I am content with no enumeration of the States which are at this

moment, by great majorities of the people, in favor of Whig principles and a Whig policy, which does not embrace the whole six-and-twenty of our beloved Union. New York and Massachusetts have had an opportunity to show and make clearly manifest what they are in favor of, and so have all the other States to which I have referred. But let us be slow to shut out from this glorious company of patriot States, those to whom no such opportunity has yet been afforded. Their time and their turn will yet come, and that shortly; and let us have no fear for the results. Depend upon it, Sir, the people, the whole people, are coming;—I should rather say, they have come;—come to their own senses; come to their own salvation; come to the pulling down of the strongholds of corruption; come to the restoration of fallen liberty; come to the reëstablishment, in all their beauty and in all their strength, of the old constitutional bulwarks of this Republic!

But I must not trespass longer on your time. Once more, in behalf of the Whigs of Boston, I congratulate you on your success; once more, I thank you for your exertions. And not in their behalf only. In behalf of the whole great body of Massachusetts Whigs—I know all their hearts, and am not afraid to speak for them all—in behalf of them all, of every occupation and profession; in behalf of Whig mechanics, who have taken the measure of true patriotism from the rule of a Paul Revere; in behalf of Whig farmers, who have ploughed the straight furrow of a Prescott and a Hawley; in behalf of Whig merchants, who have learned to sum up the great account of public duty from the ledger of a John Hancock;—in behalf of them all, of every county, town, and district of the State, whether scattered over the plains of Lexington and Concord, or clustered at the foot of Bunker Hill, or crowded within the precincts of Faneuil Hall;—wherever they are, from the furthest reach of either Cape to the line where their territory embraces and becomes one with your own;—in behalf of every one of them—all and everywhere true, all and everywhere triumphant—I congratulate you, I thank you, and in the name of them all, I offer you the right hand of a hearty, genuine, Whig fellowship.

## THE SUB-TREASURY SYSTEM.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS, IN COMMITTEE OF THE WHOLE, MARCH 26, 1838.

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It is not without a good deal of distrust, Mr. Chairman, that I find myself on the floor of the House. During the early part of the session, I will confess, I more than once desired to be there. More than once did I find the opening line of the old Roman Satirist rising to my lips — *semper ego auditor tantum? nunquamne reponam?* — must I always be a mere hearer? shall I never have a chance to reply? And sometimes I was almost disposed to quarrel with the unmerited honor which had seemingly doomed me to a perpetual silence. But these feelings have now been so long restrained, that I fear something beside the disposition to mingle in debate may have passed away. Certainly, Sir, it would have been any thing but a matter of regret to me if the yeas and nays had been called on these resolutions a week or more ago, when they first came up in the orders of the day. Discussed as the Sub-Treasury system had been, almost without intermission for six months past, in Congress, in caucus, in the newspapers, and at the fireside, I should have been quite content, for one, to have let it pass here, at so late an hour of the session, entirely without debate.

It was suggested by the gentleman from Gloucester, (Mr. Rantoul,) in opposition to such a course, that the House was utterly ignorant of the merits of the measure — that not thirty of them knew what the Sub-Treasury system was. I am inclined to believe, Mr. Chairman, that a large majority of the

members pretty well understood and appreciated that system. I have no idea that any considerable number of them were then, or are now, desirous of a nearer or more familiar acquaintance with it. At any rate, I believe that the minds of the whole House are made up upon it. I believe the minds of the whole people are made up upon it. I have no hope, certainly, of changing a single shade of public or private sentiment by any thing I can say in favor of these resolutions; and I will add that I have no particular apprehension that any thing that has been said, or that may be said, against them, will work any very material change in that public or that private sentiment. I heartily wish, therefore, that we had come to the vote a week ago, and had speeded the resolutions on their errand to the Capitol, to do whatever of good or evil they may be designed or destined to effect.

But it has been ordered otherwise. The opponents of the resolutions demanded, claimed, insisted on, a discussion. And in conformity with their convenience and agreeably to their suggestion, if not directly upon their motion, a time for that discussion was assigned. Four days have now nearly elapsed since that time arrived, and we all know how they have been occupied. The first was taken up by the gentleman from Gloucester, in proposing and pressing sundry amendments to the resolutions, all of which were rejected by large majorities. The first hour or more of the second day was employed by the gentleman from Marblehead, (Mr. Robinson,) in an effective speech against the resolutions; and the gentleman from Gloucester, rising again as his friend from Marblehead took his seat, has held the floor from that time to this. I cannot help hoping, Mr. Chairman, under all these circumstances, that the whole waste of public time and public money which this protracted controversy will have cost, is not destined to be charged to the account of the majority in this House. If it be, however, there will only be another warning added to a list of warnings already neither short nor unedifying, against the manifestation of an excessive courtesy and the accordance of too many indulgences to political opponents.

The gentleman from Gloucester, in his remarks on Thursday,

took occasion to allude to Mr. Webster. He observed, if I remember right, that he had made a particular study of his political character, and should be glad of an opportunity to show up its consistency to the House. This was not a new topic, Sir, with the gentleman from Gloucester. I had the pleasure of meeting him upon it last winter. But though he has repeated his remarks, I do not intend to repeat mine. The political character of Mr. Webster needs no defence. It is safe in the custody, not of his own Massachusetts constituents merely, but of the whole American people, whose faithful soldier and servant he has so long been. It is safe, I might better say, in its own invincible greatness, in its own invulnerable strength. But there is one part of that character, which, however the gentleman from Gloucester may have studied, he certainly has not yet learned. I mean that magnanimity of which an interesting anecdote has recently been related in the papers of the day.

It appears that during the late great speech of Mr. Webster, in the Senate of the United States, on the very subject we are now considering, just as he was about to bear down on Mr. Buchanan of Pennsylvania, it was suggested to him that that gentleman's hands were tied by certain instructions which he had received from his State Legislature; and what was our Senator's reply? "I will not say another word about him — I will not even look in that direction." — The gentleman from Gloucester, on the contrary, having been goaded and stung to the quick by the unpalatable truths which had been told, in a previous debate, of the administration which he supports, and having considered it inexpedient to reply during that debate, and having nursed his wrath to keep it warm until these Sub-Treasury resolutions should come up for discussion, had no sooner gained audience upon them, than he vented the whole amount and accumulation of his ire, the whole principal and interest of his indignation — upon whom, Sir? Upon any one who had assaulted, or insulted, or in any way injured him? Upon any one even, who was in a position to defend himself when attacked? No, Sir, no, but partly on the distinguished Senator to whom I have already alluded — five hundred miles distant



from him in person, and infinitely farther removed in character from the utmost reach of any shafts which he could throw — and partly upon one who, though personally present, and compelled to submit to whatever words or looks it might please the gentleman to throw at him, was entirely prevented, by his official position, from resisting, resenting, or in any way noticing them.

Sir, I will confess that on the occasion to which I allude, I felt in no small degree complimented at being coupled with the great Massachusetts statesman in the censure of the gentleman from Gloucester. But this was by no means the only occasion on which I have been subjected to his attacks, and heretofore I have had no such good company to console me, while my hands have been equally tied behind me. The gentleman best knows his own motives and purposes, but it cannot have escaped observation, that from the beginning of the session to this hour, he has omitted no opportunity which has occurred, or which could be created, to cast censure and contumely upon the Chair. For the first time, Sir, I am now in a condition to retort. But let me assure the House that I do not intend to avail myself of my position for any such purpose. Certainly, Sir, I have not risen with any such intent, and I hope to sit down without having been betrayed into any such act. Placed by the indulgence of the House in a station where it is my duty to check personality and enforce decorum in others, I will not voluntarily exhibit a violation of order in my own person. I will not be provoked into a personal altercation with the gentleman from Gloucester. He has brandished his lance, and shaken his red flag, and played the Matadore in vain. His taunts and provocations I give to the wind. To his arguments, if he has uttered any, and I should chance to meet them along my track, I will pay the respect of a passing notice. And now, Sir, to the subject.

It is one, I need hardly say, of no small compass or comprehension. It calls upon us to look both before and after. The measure to which these resolutions relate, is at once a goal and a starting point in national affairs. It is the end of one series of experiments, and it is the beginning of another. And in order to understand its real nature, we ought to look to what

is past, as well as to what is to come. We ought to see clearly of what it is the consummation, and of what it is the commencement.

When our honored fellow-citizen, Mr. John Quincy Adams, was supplanted in the Presidential chair, some nine years ago, by General Jackson, the currency of the United States was not surpassed in convenience, uniformity, or soundness, by that of any other country on the face of the globe. It enjoyed unbounded confidence. It afforded universal satisfaction. From no quarter of the Union, from neither political party, was there a breath breathed against it. The party by whom the change of administration was effected, had not been slow in hunting up all manner of imaginary grievances which they might promise and pledge themselves to hunt down. They complained of the extravagance of Mr. Adams, and they have shown the justice of that complaint by doubling, and in some years trebling, the annual amount of the national expenses. They complained of political corruption, and they have since given us plainly to perceive what they understood by political purity. They pledged themselves to "a thorough and searching reform," and the thousands of political adversaries who have been punished, and the tens of thousands of political friends who have been rewarded, through the medium of the appointing power, have clearly manifested what that thorough and searching reform was intended to be. But of the currency of the country they made no complaint. For that they promised nothing. And most fortunate would it have been, if with regard to it they had performed nothing.

But not such was their wisdom. Not such our fate. For the first year or two, however, every thing went on well and quietly in this respect. Indeed, it will be found that in more than one of their early Executive messages, not a few phrases of compliment and eulogy were rounded on the goodness of the circulating medium, and on the services of its great regulator, the Bank of the United States. Particular praise was bestowed on the Bank for its disinterested efforts in enabling the Government to complete the payment of the national debt. But in a moment, and without a note of warning, a change came over the spirit of

the administration. The currency, but yesterday deemed sound and healthful, was to-day discovered to be diseased and rotten. The Bank, but yesterday commended and eulogized, was to-day pronounced unconstitutional, corrupt, dangerous to liberty. In wilful disregard of the existing and long-established rates of domestic exchanges, it was declared to have failed in affording a uniform currency, and with a hardihood of assertion which excited derision throughout the country, was proclaimed an unsafe depository of the public moneys.

Whether this extraordinary transition from praise to scandal, from admiration to aversion, from commendation to condemnation, was the result of that sordid repulse which the administration had sustained in certain notorious proposals to the branch bank in New Hampshire, those who know any thing of the history of political coquetry and caprice can judge as well as I. But the facts we all know. The institution was doomed to be at once discarded from further employment. The renewal of its charter was vetoed. The public treasure was removed from its vaults. And war to the knife was declared against it, and all concerned with it. Its officers were denounced. Its President was served up in the government journals under every odious nickname and epithet;—all his acts set in the Executive note-book, learned and conned by rote, and the greater part of every Executive message devoted to their recital to the people. To use the language of Mr. Senator King of Georgia, who, be it remembered, only parted company with the administration at the late extra session of Congress, “if Mr. Biddle expanded, he was bribing the country; if he contracted he was ruining the country; if he imported specie, he was speculating on the country; if he exported specie, he was conspiring against the country; if he stood up, he was impudent; if he sat down, he was suspicious; if he lay down, he was useless; and whenever he made a move, whether he crossed above or below the Executive, he equally muddled the waters.” But enough of Mr. Biddle. The removal of the deposits was of course succeeded by their distribution among the selected State banks. With this distribution went letters from the Secretary of the Treasury, enjoining upon the new recipients to loan their deposits liberally

among the people. And this injunction was more than fulfilled. Then followed the importation of gold to the amount of thirty or forty millions of dollars, partly on account of foreign claims, and partly as a matter of outright purchase and trade by the Executive or his agents. Then came the clumsy, if not wilfully harassing, execution of the surplus distribution act, to which the President had given at length a "reluctant assent." And last of all, to close this strange, eventful history, was issued that well-known Treasury order, by which all payments for public lands were to be made in gold and silver.

These, Mr. Chairman, are the Executive measures which have been the heralds and harbingers of the Sub-Treasury system. This is that series of experiments by which its approach has been announced, and its way prepared before it. But there have been other simultaneous events in the affairs of the country. There have been mercantile distresses and pecuniary pressures, thickly crowded along the whole period in which these measures have been executed. There has been a total derangement of the currency and exchanges, a perfect prostration of credit, and, to describe all in one phrase, a general suspension of payments throughout the country. And there is no more important inquiry in the discussion in which we are engaged, than whether these events also are to be comprised in the catalogue of Executive acts, or, in other words, whether the national administration is directly or indirectly responsible for their occurrence.

Some of the gentlemen, Sir, with whom I am accustomed to act here and elsewhere, have, in a previous debate, exceedingly qualified their reference of these events to Executive action. From any and all such qualification I desire to dissent. For one, I desire to be understood, now and at all times, to charge the whole of the late crisis — all about it that has been peculiarly aggravated and overwhelming, all about it that has distinguished it from the thousand and one temporary calamities which have chequered the history of commerce in all ages and countries, all about it that has made it the crisis that it has been and still is, — to these measures of the national administration. Contractions and expansions, extensions and revulsions, are, I

know, to some extent, the necessary and inevitable incidents to commercial operations. They are doubtless more frequent and more formidable where the circulating medium of commerce is paper than where it is metallic, or, in other words, where that medium is generally abundant than where it is generally scarce, or, in still other phraseology, where commerce has a wide range, than where it has a narrow one. But whatever its range and whatever its medium, they belong to commerce, as naturally and as necessarily as the tides belong to the ocean, which is the great highway of commerce. And sometimes they are produced by causes with which the nature or the amount of the circulating medium have no connection. Whether their departure and return can be calculated and predicted with all the accuracy of a comet's tail, as has been maintained by the gentleman from Gloucester, I will not undertake to assert. I am willing, however, to admit, if anybody desires the admission, that one of these ordinary contractions or revulsions was to have been expected, and might have occurred, at or about the time at which this great crisis was developed, even if General Jackson had never been elevated to the Presidency.

But notwithstanding this admission, and in entire consistency with all that it implies, I assert again my unwavering and unalterable conviction that but for his Presidency, and but for his policy in relation to the currency, this crisis could never have occurred. All that has lifted it above the level of common commercial reactions, all that has constituted it an era in the history of the country and of its commerce—an era, I might as well say, in the history of all countries and of all commerce,—is in my judgment to be ascribed solely and unqualifiedly to the national administration. And as to the final and fatal catastrophe of the crisis, the suspension of specie payments, I hold the government of the United States, in 1837, as morally responsible for its occurrence, as the government of Great Britain was, just forty years before, when the same event was brought about in England under the express authority of Orders in Council. Yes, Sir, Orders in Council did the deed in this case as in that; those Treasury orders which, while they produced all the disasters of their prototypes

in 1797, were hardly less arbitrary, hardly less tyrannical, than those later Orders in Council against which General Jackson himself so nobly contended, and over which he so gloriously triumphed at the battle of New Orleans.

Gentlemen who differ from me in this position will adduce many other and, as they hold, independent causes of these events. They will tell you of the multiplication of banks. And I agree with them that this has been one of the causes of the crisis. But what induced and stimulated and made way for the multiplication of banks? They will tell you of the excessive issues of banks. And again I agree with them that this has been one of the causes of the crisis. But what caused these excessive issues of the banks? They will tell you of overtrading and overaction in all departments of business, of speculations in Western lands, and of gambling and swindling in all sorts of worthless stocks. And still again I agree with them that these were among the causes of the crisis. But still I ask, what caused this overtrading and overaction, this speculation and gambling and swindling? Why this stopping short at second causes? Are these excessive creations and issues of banks, these extravagant operations of trade and business, these wild and wicked speculations in stocks and stones, the natural and necessary results of any thing in our national condition, moral, social, or political? If so, why has their manifestation been reserved for this precise period of our history? Why have they never been exhibited before, or never but once before, and that but partially and in connection with a portion of the same extraordinary and unusual circumstances. By what bad fortune of General Jackson's was it—a man, by the way, who seems to me never to have met with any thing but the best of fortune, who, by a kind of joke of fortune,\* was raised to a pinnacle of power which might not have so dizzied him, had he ever dreamed of it in advance,—by what bad fortune of his was it, I repeat, that this commercial outbreak, this financial freshet, if I may so speak, was reserved to signalize his accession to authority? And

\* ——— Cum sint  
Quales ex humili magna ad fastigia rerum  
Extollit, quoties voluit *fortuna* *jocari*.

if these excesses and extravagances have not been the natural results of our national constitution or condition, what has produced them? What raging dog-star, what influence of Dragon's tail or Ursa Major, what spherical predominance or heavenly compulsion, what thrusting on of deity or of devil, has effected these marvellous aberrations from our ordinary principles and practices? How has it happened, Sir, that one half the people of the country have been mad, like Hamlet, just north-north-west, and sane enough towards every other point of the compass?

It cannot, Mr. Chairman, be necessary to resort to any such absurd and extravagant hypotheses to explain the first outset and impulse of the crisis that has occurred. I know that the operations of commerce are intricate and complex. I know that the influences which ordinarily affect credit are subtle and puzzling to the sense. And as I have listened, day after day, to the countless contradictory views which have been presented here on the subject of banks, credit, and currency, I have been disposed to apply to them what an old poet wrote so well of honor, and to say, —

Credit is like the glassy bubble  
Which gives philosophers so much trouble,  
Whose least part cracked, the whole does fly,  
And wits are cracked to find out why.

But while this is true of the ordinary operations of trade and the ordinary influences upon credit, it has no application beyond them. No puzzling of the brains, or cracking of the wits is necessary to discover the causes of great and extraordinary crises. They are not brought about by intricate operations or subtle influences. Power, power, divine or human, miraculous or malicious, can alone produce them; and when produced, they are their own interpreters, and rarely fail to point at once and plainly to their author. And this crisis which we are considering, seems to me, above all others that I have ever heard or read of, in its whole inception, progress, and close, to point so plainly, so clearly, so directly to the national administration—its second causes, in which we are all agreed, seem so closely and inseparably connected with the executive measures to which I have referred—as to leave no room for doubting by what or by whom

it has been produced. Sir, I intend to cast no imputation upon any member or class of members in this House. I know that honest men differ upon this subject. But I cannot help saying that having divested myself repeatedly, as far as I was able, of every party bias and political prejudice, and having examined this question again and again with all the candor and all the care I could bring to it, I never have been able to conceive how any honest mind could exculpate the Government from a main and primary agency in the production of this crisis.

I will not weary the House by going deeply into the argument by which this conclusion has been reached. It has been presented to the country frequently of late, and with far greater force than I could bring to it. But there are two very simple views of the subject, to which I cannot forbear to ask a moment's attention. They seem to me to be conclusive to this extent, if no further,—they change the burden of proof, and throw upon the Government the responsibility of showing their own innocence; a work in which, I need hardly say, they have thus far signally failed.

The first of these views is derived from the well-known historical fact, that there was the same multiplication of banks, the same extension of bank credits, the same speculation and overtrading, and the same suspension of specie payments—the same I mean in kind, though falling far short in degree and extent—when the Bank of the United States was broken up in 1811, and when the government resorted to temporary expedients, as now, to conduct the finances of the country. Now if there be any truth in the old axiom, that like causes produce like results, I pray gentlemen to tell us what like causes existed and operated in these only periods of our national history in which these like results have been exhibited, except the government measures to which I have alluded.

The second of these views is not less simple, nor is either of them less satisfactory for being simple. It is this. When General Jackson was inaugurated, the currency was sound and good. He undertook to make it better. He laid his hands upon it for that purpose, and in the midst of his experiments, the explosion took place. The currency is prostrated, and public credit lies



dead at his feet. And now who shall say that this was not his work, and the result of his operations? If ever there was a case of a criminal caught in the act, such seems to me to be the case of the government. Were an individual culprit brought to the bar under precisely the same amount of circumstantial testimony, unless he could offer some better and more plausible vindication than the administration have yet produced, I verily believe there is not a jury in the land who would give him a verdict of acquittal, any more than they would acquit a person charged with stealing, who was caught on the premises in which the theft was committed, or a person accused of assassination, whose hand was still wet with the blood of his prostrate victim.

But let us suppose a case a little more analogous to the one before us. Go back a century or two to the history of alchemy. Enter the laboratory of an ancient alchemist. See his stills and his caldrons, his alembics and his elixirs. See him toiling and drudging, and promising too, night and day, to turn that heap of base metal into gold. Presently there is an ominous rumbling, then a crash, then a general explosion, and the whole building and apparatus are instantly involved in flames and ruin. Will anybody go about now to see if there was not a leak in this still, or a crack in that caldron, a flaw in the alembic, or a false ingredient in the elixir, which caused this fearful catastrophe? Or whether it did not result from overaction on the part of some of those engaged in the process? Will not all, at once, agree that it was the natural result of so mad and absurd an experiment — the legitimate termination of all alchemy? And what but alchemy has been going on in the country for six years past? Mitford tells us, in his history of Greece, that Dionysius of Syracuse, whose official title was General Autocrator or the Autocrat-General, made some humble efforts to reform the currency of the people over whom he ruled. He attempted it by an emission of pewter notes. The classical adulators of the day seem never to have presented this precedent to the eye of the Autocrat-General, of the present age, or possibly his dreams of a metallic currency might long ago have been accomplished. But hitherto he has been content with nothing but gold. And sonder even than the alchemists of old, he has

essayed to turn into that precious material, not heaps of baser metal merely, but piles of paper and bales of rags. What wonder is it, not only that no gold has glittered, but that the laboratory has exploded and even the rags themselves are ruined!

Mr. Chairman, the gentleman from Marblehead amused us not a little the other day in describing the eminent medical skill of Dr. Jackson, as he was pleased to denominate the late President of the United States. I was aware, Sir, that a Doctorate of Laws had been conferred on that distinguished individual by a neighboring University. But it has been reserved for the gentleman from Marblehead to bestow upon him the diploma of Medicine. Doubtless he has proved himself equally entitled to either honor. But the Faculty would, I think, hardly be flattered by the grounds which have been given of his claim to the latter laurel; to wit, his most successful practice in promoting the circulation of the country.

A few days before the gentleman made this allusion, I had received from a respected friend of mine in the town of Barre, (General Lee,) lately a member of this House, — a soldier in the Revolution, who stood at the siege of Yorktown, and witnessed the surrender of Cornwallis, — a few of the regular old Continental Notes, which are almost as redeemable now as they ever were, but which I shall put by as a curiosity without any fear of losing either principal or interest. I observed, on examining them, that they all had some sort of motto inscribed upon their face. On one, were the Latin words, *depressa resurgit*; but they were no less doomed to be a lie than if they had been written in plain English; for though the notes were abundantly depressed, they never saw the promised resurrection. On another, was a picture of the Sun just on the edge of the horizon, but though it was duly labelled "rising," the sequel has shown that the artist was mistaken, and had really depicted a setting luminary. Sir, there have been enough of these deceptive inscriptions upon irredeemable paper. And as I listened to the gentleman from Marblehead the other day, I could not help thinking what an excellent motto for one of the irredeemable notes of the present day — a Commonwealth Bank bill, for example — that old French epitaph on the man who was well, took physic and died, would

make. I would even recommend to the government itself, as I have this moment learned that they are proposing to emit a new batch of Treasury notes, to have engraved upon their surface, not one of the old delusory stale baits of Revolutionary times, but this plain and wholesome, however unpalatable truth, — “I was well; Doctor Jackson tried to make me better, and here I am — dead, irredeemable, rag money.”

I might have added, Sir, that on a third class of these Continental bills was a motto which the present administration seem actually to have adopted. Under a dial plate, with its hands and figures duly disposed, there was printed in glaring capitals, this most emphatic and peremptory mandate, — “*Mind your Business.*” It is plain, Sir, that this is but an uncereemonious abridgment of the well-remembered maxim, with which a distinguished senator from New York (Mr. Wright) introduced the discussion on the Sub-Treasury System. “Let the government mind their business,” said he, “and let the people mind theirs.” I should rather have said that this latter was only an amplification and development of the former. We now see where this maxim originated, and with what financial measures it was associated. Upon the face of an irredeemable note it was first inscribed, and there it still appropriately belongs. And depend upon it, Sir, until it is expunged from the principles and policy of the national administration, it will perpetually endanger, if not permanently destroy, the redeemability of the whole paper medium of the country. — But I am anticipating a part of my remarks for which I am not yet ready, and I turn to the more immediate subject of the resolutions before us.

What, Mr. Chairman, is the Sub-Treasury Bill? Why, Sir, the first and strongest impression which a perusal of that Bill has made upon my mind, is, that it is a measure designed and calculated to carry out to its completion this late financial policy of the national administration, which I have just described as so ruinous to the country. The present incumbent of the Presidency came into power, we all know, with a pledge upon his lips to complete and perpetuate the policy of his predecessor. Sir, the Sub-Treasury Bill is an entire and perfect fulfilment of both the letter and the spirit of that pledge. It is nothing more

nor less than this fatal policy itself drawn up into a bill, and presented to Congress to be ratified and enacted. To subject the bill to a kind of chemical analysis,—it is one third Bank Veto, one third Removal of the Deposits, and one third Treasury Order. And the operation of the whole composition, as I honestly believe, will be to perpetuate among the people those sufferings and distresses, those perils and pains, that alternate rush of blood and stoppage of circulation, which have been their miserable lot for the last few years.

But let us look a little more closely at the particular provisions of the bill. Gentlemen who have not had the benefit of a copy of it may be glad to hear exactly what it provides. I will endeavor to tell them. There is to be, in the first place, a great iron safe in the new Treasury building at Washington, which is to be called, *par eminence*, the Treasury, and to be under the charge of the Treasurer of the United States. There is to be another great iron safe in the National Mint at Philadelphia, under the charge of the Treasurer of the Mint, and another in the Branch Mint at New Orleans, under the charge of the Treasurer of the Branch Mint. There is to be another great iron safe in the new custom house at New York, and another in the new custom house at Boston, and two more are to be provided in some convenient receptacles at St. Louis and Charleston. These four latter safes are to be under the key of four Receivers-General to be appointed by the President. And in these seven safes—whether they are to be Gayler's patent, or Asbestos, or the genuine Salamanders, the bill does not say, but some of its friends can certainly tell us, as they are said to be already far advanced in the process of construction—in these seven iron safes, under the direction, doubtless, of seven wise, as well as faithful, men, the main body of the public moneys is henceforth to be deposited. These are to be the principal Sub-Treasuries of the system; these are the seven hills, if I may so speak, on which this new financial empire is to be founded.

In the mean time, various collectors of customs and their deputies, together with all the postmasters, and all the land-receivers throughout the Union, are to have their safes also, on a smaller scale, and are to act upon the good old motto of getting

what they can and keeping what they get. And over these public moneys thus deposited, the Secretary of the Treasury, who is to be the Super-Treasurer of the whole system, is to have an unlimited power of transfer, with authority to remove the specie from safe to safe, by drafts or bodily transportation, whenever and in whatever amounts the public service may, in his judgment, require, and also to appoint, from time to time, special commissioners, in such numbers and with such pay as he may think proper, to play the part of *custodes custodum*, to examine the contents of the various safes, and to inspect the accounts of their various keepers. Finally, these keepers are prohibited under heavy penalties from using themselves, or loaning to others, the funds in their custody, and, what is far the most important provision of the whole, these funds are to be collected, from and after December, 1843, in nothing but gold and silver or government paper, while between now and then there is to be a gradual advancement, by five successive annual and equal approaches, to this blessed consummation of the whole scheme.

Sir, strip the bill of its machinery, and if I mistake not, there are three great characterizing features to the system, regarded simply as a financial system.

1. The public moneys are to be kept no longer in a bank or banks, but in the hands of individual agents selected by the Executive.

2. The public moneys are to be collected no longer in bank paper, whether convertible or inconvertible, but exclusively in gold and silver, or in government paper.

3. The public moneys are no longer to be the basis of bank loans or discounts, nor, indeed, as the bill professes, of any loans or discounts whatever.

Now, Mr. Chairman, look at these provisions in the most favorable light, and they constitute a complete abandonment by the government of banks, of bank paper, and of the bank credit system to their fate. So far as government power, government patronage, and government influence and countenance go, it is plain, there are to be no banks, there is to be no bank paper, there is to be no credit system, or, at least, none such as we now have. The bill is in this respect precisely what it professes to be,

a bill of divorce, of utter and unqualified divorce, without provision for maintenance or allowance of alimony, between the national government and our existing institutions of banking and credit.

But what is its design? Clearly, clearly, Sir, to crush, demolish, and annihilate the whole banking and credit system of the country. The great statesman of Kentucky has demonstrated this position with a precision and a fulness leaving nothing to be added. Or if any thing were required to clinch and rivet the chain of evidence, it has been more than supplied by the powerful effort of one of our own Senators, Mr. Davis. I will not trespass upon the time of the House by reading extracts from either of these speeches, nor yet by repeating the arguments which they contain. No man will have done his duty to this question who does not read them for himself. But I beg leave very briefly to allude to another piece of testimony upon this point, upon which no suspicion can be cast as being furnished by an enemy of the system we are discussing. I hold in my hand, Sir, a little stereotyped pamphlet which I venture to say has done as much mischief in its day, as any that ever saw ink and type. It is the well-known work of Mr. Gouge, a gentleman who is at this moment, I believe, in the Treasury Department at Washington. And I think no one will contradict the assertion, that it has been, and is still, the financial manual of the national administration. It was published in 1833, and it contains, in company with a good deal of valuable historical information, a compendious detail of all the principles, practices, and projects, past, present, and to come, by which that administration has proposed to reform the national currency. The Sub-Treasury system, especially, iron safes and all, is mapped out in its pages with the most minute precision. And what is the great result, the glorious consummation, to which it is to lead? It is, to use Mr. Gouge's own words, "the abolition of incorporated paper money banks," and "the downfall of moneyed corporations." Here, Sir, we have it in plain, clear, undisguised language, and from the lips, too, of a government witness. Let the gentleman from Gloucester discredit him, if he can.

But why resort to any such testimony? Who denies that this has been, and still is, the ultimate design of the late and present administrations? Who doubts it? Who can doubt it, that has paid any attention to the doctrines or the deeds of those administrations for seven years past? Has not their whole course and their whole cry in that long period been against banks and bank paper and bank credits? Has not the welkin rung again with their loud halloos of "perish commerce, perish credit;" "those who trade on borrowed capital ought to break?" Has not the very title by which they have chosen to be politically known and distinguished, been "Anti-Bank-Monopoly Democrats?" Do they now disown that title? Do they disavow the design which it implies? Why, Sir, on another question the gentleman from Gloucester attempted to make some sort of discrimination in his hostility to banks, and said something about his friendship for honest banks. Had such a distinction fallen from another mouth, I should have expected to hear the gentleman himself responding to it with a disquisition upon white crows! But neither in the three days' speech which he has just concluded, nor in the shorter but not less able argument of the gentleman from Marblehead, on the question before us, have I heard a syllable which recognized any such distinction, or which betokened any thing but an uncompromising and indiscriminate opposition to the whole banking system of the country.

And now, Mr. Chairman, not only do I fully and firmly believe that it is the design of this Sub-Treasury scheme to overthrow and extirpate our present institutions of credit and currency, but, for one, I can hardly bring myself to doubt that, if it be carried out without alteration or evasion, this will be its ultimate effect. It is plain that the adoption of this measure will be something besides a mere abandonment of these institutions to their fate, and the withdrawal of that salutary regulating power which government has hitherto exerted over them. It is no measure of mere negative operation. The provision by which bank bills are no longer to pass at the receipt of customs, cannot fail to create a constant drain and demand upon the banks for their specie, to be employed in Treasury

payments or to be hoarded in Sub-Treasury safes. While at the same moment, the whole suspicion and dishonor of government rejection will be cast upon the paper which is in use among the people. Why, Sir, what does this provision amount to, but a perpetual legislative protest against banks — a perpetual certificate of discredit, executed under the hand and seal of the government, and stamped upon the face of every bank-note in the country?

But the direct and immediate operation of this bill, bad as I conceive it inevitably must be, will be insignificant, in my judgment, compared with its indirect and ulterior influence, if it be passed and persisted in. Hitherto the whole war upon the banks has been carried on by the Executive of the nation, single-handed and alone. Congress has never yet taken one step towards that battle-field. Congress, certainly, has never yet lifted a finger in the fight, except to check or counteract the rash movements of the Executive. Yes, Sir, this whole strife and turmoil against the currency, with all its alarms and ambushes, all its sieges and surrenders, all its onslaughts, disasters, and catastrophes, has been exclusively of Executive setting-on and of Executive carrying-on. But Congress is now at length compelled to act. And let Congress now at length sustain the past and present Executive in their career, let the Representatives of the people now at last adopt, ratify, and enact, the policy which this bill proposes to complete and perpetuate, and let the people themselves sustain their Representatives in so doing, and the fate of the American credit system will be regarded, and justly regarded, as sealed, and its doom as irrevocably pronounced. If this bill itself will not work its dissolution, something else will be devised that will. There will be no stopping half way. This measure once adopted by the government, they will be

“Stept in so far, that, should they wade no more,  
Returning were as tedious as go o’er.”

And over they will go. They will follow up their success in the national councils. Their friends in the State Legislatures will rally with renewed courage in the same cause. And not one



stone upon another will be left of our existing institutions of banking and credit, that will not be speedily cast down. And what will be built up on the ruins? What is to be the substitute?

But before turning to the system that is to be, Mr. Chairman, I desire to pay a passing, and, it may be, a parting tribute to the system that is. Not that I am about to attempt any elaborate defence of our existing credit system, or any philosophical analysis of the relations between capital and labor. I see giant tracks, freshly, deeply, ineffaceably impressed at every turn of this route, and I shrink from placing my tiny footprints in such overwhelming contrast. But there is one idea, which has been the burden of more than one speech in this House, from the gentleman from Gloucester in years past, and which has received its full share of repetition on the present occasion, of which I cannot forbear to speak. It is this,—that in the fluctuations of our circulating medium, the wages of labor are the last things to rise and the first things to fall, and that therefore our present system is peculiarly oppressive to the laboring classes.

Now, Sir, in the first place let me remind the gentleman that these fluctuations are not the peculiar attributes of our currency, or our credit system. They belong, as I have once before insisted, to commerce,—to all commerce, whether carried on through the medium of metals, or of paper, or of both united and mutually convertible. They may be, and doubtless are, rather more frequent and rather more extensive, where the medium is mixt, than where it is purely metallic. But they not infrequently have no relation at all to the nature or amount of that medium, whatever it is, and depend for their origin and extent, upon moral, social, or political causes. If he will away with them altogether, he must away with commerce altogether. If he will not endure the wave, he must dry up or stagnate the ocean.

But, in the second place, I maintain that, even admitting the position that in these fluctuations, however produced, the wages of labor are the last things to rise and the first things to fall, the laboring classes lose infinitely and out of all comparison less by

this accidental disadvantage, than they gain, by the new stimulus to enterprise, by the new and varied demands for art and industry, which these very fluctuations are continually creating.

But leaving this point also to rest on its own bare statement, and to make its own appeal to the plain common sense and practical information of the House, I beg leave to state my strong and serious doubts whether the gentleman's premises are susceptible of proof, or whether, whatever truth the maxim with which he starts may be proved to possess in the old world, it is in any degree applicable to the condition and circumstances of the new. Everybody knows, Sir, that there are hundreds of the stereotyped dogmas of the English and French economists, which find nothing to rest upon, nothing to attach to, among us. And this idea, that the wages of labor are the last things to rise and the first things to fall, seems to be one of them. And upon this point again, I will refer the gentleman from Gloucester to the production of one of his own political party. Mr. Legaré, of South Carolina, an administration member of Congress, but far too enlightened to approve their financial policy, and far too independent to follow them in any policy which he does not approve, in a most able and eloquent speech, delivered upon this very subject, during the late extra session of Congress, speaks thus of the doctrine I am discussing:—

“It may be so,” says he, “in countries where the supply of labor is greater than the demand, but the very reverse is most certainly the fact here, where the demand, especially when stimulated by an extraordinary increase, real or fictitious, is always greater than the supply. All price,” he proceeds, “is a question of power or of relative necessity between two parties, and everybody knows that in a period of excitement here, wages rise immediately, and out of all proportion more than any thing else, because the population of this country is entirely inadequate to its wants.”

Sir, these remarks seem to me not only to be well-founded and well-reasoned, but to be obviously and undeniably true. Look at the condition of our laboring classes, and see if it be not so. The gentleman from Gloucester complained the other day that he could never speak about the miseries, the oppres-

sions, the grinding of faces and "grinding of live bones" of the poor, without exciting a smile upon the countenances of all who heard him. I do not wonder at it, Sir. How can we help indulging, if not in a smile of incredulity as to their existence elsewhere, certainly in a smile of satisfaction that they have no shadow of existence here? Who ever saw or heard of any such thing within these United States? Where on the face of the globe is labor half as well fed, half as well clad, half as well educated, as in this country of credit, this land of banking corporations? Why else are such cargoes, not of goods and chattels only, but of bodies and souls, annually emptied upon our shores,—not as formerly, I thank Heaven, to become merchandise themselves, and to put on the manacles of slavery, but to enter at once into the open avenues of American industry, to reap at once the unequalled returns of American enterprise, and to enjoy at once the surpassing privileges of American liberty. Sir, I will not argue this position further. Let me only say that the gentleman from Gloucester seems to me to underrate the intelligence, the happiness, the independence of condition, and elevation of character, of the American laborer, and it is not perhaps surprising, therefore, that he should also under-estimate the value of that credit system, which has been one of the main instruments of liberty in producing these results.

But the banking system, the banking law of Massachusetts, which has been copied into the codes of other States, and is now substantially that of the whole country,—let me, before I quit this topic, do an act of justice to this much abused system. Let me at least show to the House that it is not everywhere held in such low esteem as it seems to be among us. I have here, Sir, the speech of Mr. William Clay\*—a member of the British House of Commons—a whig member, let me assure the gentleman from Gloucester—a radical member, even, I believe. It is the speech by which he introduced the motion for the late interesting and instructive investigation into the joint stock banking system of England. The same pamphlet con-

\* Now Sir William Clay, Bart.

tains, also, a very able reply by Mr. Clay to a notice of his speech contained in the *Edinburgh Review*, and which from intrinsic evidence only, I imagine to have been written by Mr. McCulloch. In these productions, Mr. Clay evinces himself no superficial expositor of the art and mystery of banking, and displays an intimate acquaintance with the various systems now or heretofore in use. And what system, think you, Sir, he considers first and best? Whose whole banking law, from the enacting clause down to the very date of Executive approbation, has he appended to his pamphlet as a model for the future banking legislation of Great Britain? Why, here it is, Sir, in black and white, whole and entire, just as it was adopted in 1829, the now despised and derided banking law of Massachusetts,—which Mr. Clay considers, and for reasons to which I believe a great majority of the House, were they candidly to examine them, would give a ready assent, to be upon the whole the best system ever yet devised!

Now, Sir, I do not pretend to regard our system as indeed a perfect one. I agree with those who have pronounced many of its restrictions loose and inoperative. On the other hand, too, I hold some of its exactions to be too severe and strict. To say nothing of that, of which others have said so much, the State tax,—the provision which requires one half of the capital stock to be paid in gold and silver, is, in my opinion, unreasonably rigid, and leads as necessarily to evasion and fraud as a tariff of excessive duties does to perjury and smuggling. On the contrary, the limitation of bank issues to twenty-five per cent. above the capital, is in effect no limitation at all, but rather an imprudent and extravagant license. In other respects, also, the system is doubtless susceptible of improvement. And sooner or later I hope to see the results of past, and especially of present, experience ingrafted and incorporated into it. But I maintain, notwithstanding, that the system, as it is, is in the main a good system, and that whatever mischiefs have occurred during its recent operation, have resulted from other causes than its defects. Has it been extended of late out of all proportion to the real wants of the community? Its long accustomed regulator has been destroyed. Has it been seduced within a few years

from its natural and legitimate sphere of action? The corrupting influence of the national government has been upon it, descending, like Jupiter upon Danaë in the fable, in a shower of gold. Has it fallen, here and there, under the control of unprincipled men? What system is secure from such a fate? But the system itself, I repeat it, Sir, is, still and notwithstanding, a good system, a well-considered system, a safe system. Place it only in honest hands, — as indeed all that is left of it, I doubt not, now already is, — restore to it its old, original regulator, and remove it at once from both the corruptions and the assaults, the embraces and the repulses, the favors and the frowns of an arbitrary executive, and it will again produce, as it has from its first establishment almost uniformly produced, nothing but the convenience and the prosperity of the people. I do protest, therefore, against the denunciations which have been so unceasingly dealt out against the banking system of Massachusetts. And most especially and most emphatically do I protest against all or any part of the bankruptcies, embezzlements, and frauds of the day being charged directly or indirectly to its account.

Gentlemen seem to imagine they have hit upon an unanswerable argument against the system of which I am speaking, when they exclaim, — “It may be a good system for honest men, but then it is an equally good system for rogues.” Why, do gentlemen forget, that the same argument may be arrayed against our whole Republican system, whether of State or Nation? Do gentlemen forget that our fathers inscribed it on the first page of our own Constitution, that a constant adherence to the principles of piety, justice, moderation, and frugality, is absolutely necessary to the maintenance of a free government? Did not Montesquieu lay it down long ago, that while fear was the principle of a despotism and honor of a monarchy, virtue was the only principle, the foundation principle of a Republic? Sir, as I was looking over the Spirit of Laws a few hours ago, to verify my remembrance of this remark, I observed in immediate connection with it the following passage, — “When virtue is banished (from a Republic) ambition invades the minds of those who are disposed to receive it, and avarice possesses the

whole community. . . . The members of the Commonwealth riot on the public spoils, and its strength is only the power of a few, and the licentiousness of many." Now, Mr. Chairman, I would not be thought to imply, that in my opinion all virtue has been banished from our land. I pray God that such an ostracism may never stain our annals! If it should, Sir, they will soon cease to be the annals of a Republic. But do we not see around us signs enough to convince us that virtue, if not banished, is not among us, at the present moment, in her full might and majesty? See we not inordinate ambition invading some minds, and inordinate avarice others? See we not something of the power of a few, and of the licentiousness of many? See we not the officers, if not the members, of the National Commonwealth, rioting on the public spoils?

It cannot be denied that there has been exhibited, during the past year, a bankruptcy of private character — a bankruptcy which makes him that suffers it "poor indeed," and compared with which, the bankruptcy which commonly bears that name is but the loss of vile and worthless trash, — manifesting itself not merely or mainly in banks, but in all departments of business, in all walks of life, and in almost all parts of the country, and constituting to my eye, infinitely the worst feature of the whole crisis. And to what is it to be ascribed? Sir, I speak not now for any party effect. I wish to wound the feelings of no member and of no class of members in this House. There are those among my political opponents, here and elsewhere, whom I heartily respect. There are those for whom I feel a cordial esteem and friendship. There are those to whom I am bound by the closest personal ties. But I must speak out my honest and conscientious opinions. And here from my soul I express my belief, that the administration of our national affairs for the last eight years — its disregard of laws — its infractions of solemn treaties — its violations of the Constitution — its proscription for political opinions' sake — its frauds and peculations in the public offices — its howl after gold, as it was termed by Mr. Clay — its growl against credit, as it was called by one of my colleagues — its screech after spoils, to add a not less significant term of my own — has done more to lower the

standard of morality in our land, and to break down the foundation principle of our Republic, than all the banks and all the defects in all the banks that ever existed. Sir, that administration has been one long, loud, unintermitted appeal to the worst and meanest prejudices of the human breast.

*Flectere si nequeo Superos, Acheronta movebo.*

If I cannot have the higher powers of intelligence and reason on my side, I will at least stir up the passions to my support. This has been its motto. And we have seen all that was false in principle and false in practice, moral, social, and religious, as well as political, mustering and clustering under its banner.

But, not to dwell longer on this idea, let me say, in returning to our banking system, that the banks and the country have been suffering lately under one and the same evil. The directors of the nation have exceeded their powers, have mismanaged their affairs, and perverted the funds intrusted to them to their own purposes. And what have the worst directors of the worst banks done but follow the example? And let me add that the remedy must be the same in both cases. The people in the first instance, and the stockholders in the last, must turn out these faithless directors at the earliest opportunity, and take care to choose those who can be trusted in their stead.

But, dropping this analogy, Mr. Chairman, let me rest a moment on the position that the great remedy for the present abuses of our banking system lies with the stockholders. Sir, you have given to these stockholders plenary power to make their own by-laws. In these by-laws they may place such restrictions upon the loans to directors, or the loans to other individuals, as they may see fit. They may provide, also, for periodical exhibits of notes, securities, and books, or for stated examinations into the condition of the banks by committees of their own number. And to such by-laws, rather than to the public statutes of the State, do such provisions peculiarly belong. And, Sir, if I wanted to bring about a thorough and searching reform, not in our banking system itself, indeed, but in the whole operation and conduct of that system, I would summon a meeting of stockholders at Faneuil Hall or elsewhere. I would raise a Commit-

tee of which the author of a pamphlet, which has received no little share of commendation from both parties in this House, (Hon. Nathan Appleton,) should be the chairman, and I would have a code of by-laws drafted with particular reference to the recent developments in some of our city banks. Depend upon it, Sir, that under the impulse of the existing exigency, such a code would require no legislative sanction from us or our successors, to secure its adoption and enforcement in every bank in the Commonwealth.

But, Mr. Chairman, this banking system of ours is to be overthrown, if the government can in any way achieve it, — and that they can, if sustained in the Sub-Treasury scheme, I have already expressed my belief. And what, again I ask, is to be the substitute? Why, Mr. Gouge tells us, and I doubt not, truly, so far as he goes, that private banking establishments will naturally and necessarily follow the downfall of the present institutions; and he refers us to the ancient Jews and Romans for examples of their convenience and utility. Now, Sir, though I confess that I have had quite enough of old Roman financiering, and have no very reverential regard for the tables of the ancient Jewish money-changers, I have yet little or no objection to private banking establishments. I was quite content that the law prohibiting them should be abolished, as it was, on the revision of our statutes. But, Sir, I cannot see the expediency or justice of making way for their erection by the overthrow of the joint stock system. I cannot see why these moneyed corporations, as they are called, into whose common stock the widow can cast in of her mite as well as the rich of their abundance, and through which men of small means can obtain the securities and reap the rewards of extensive and systematic establishments, should be broken up, — in order that individual rich men may enjoy a monopoly of the banking business. Certainly, it seems strange to me, that while England and France, under the influence of more liberal councils than they have before enjoyed, are following our example, and greatly extending their joint stock banks, we should be going back to an exclusive patronage of those great private establishments, which have hitherto overshadowed the pecuniary concerns of Europe.



But this is not the only substitute which is meditated, if not proposed, in this Sub-Treasury bill. Sir, it has been repeatedly remarked by the most distinguished opponents of this bill in Congress, and it was strongly maintained by the Governor in his annual message, that this bill contained the germ of a great government bank—not a national bank, such as we have hitherto had, but an Executive bank, under the sole and exclusive control of the Executive department. And who can fail to see that it does contain the germ, and something more than the germ, of such an establishment? The public funds are to be kept in the safes. And the Secretary of the Treasury is to make his payments by drafts upon the keepers. But what is to become of these drafts? Think you they will make a speedy transit to their respective drawees? The bill itself has a provision on this point pregnant with meaning. It is, that the Secretary shall take means to secure their punctual presentation. But what these means are to be, the bill does not specify, nor can any effectual means be devised. The Secretary may call for their presentation with ever so peremptory and menacing a tone. But will they come if he does call? No, Sir, the people of this country have been too long habituated to the lightness and convenience of paper, to burden themselves unnecessarily with bags of silver or kegs of gold. These drafts will thus either remain in the ordinary channels of circulation, or will become the subjects of a griping brokerage between the debtors and creditors of the government. And it is to these, doubtless, as well as to the Treasury notes proper, that the phrase, government paper, in the bill, refers.

But what, in the mean time, is to become of the specie? Doubtless, it is intended to be always snugly stowed away in the iron safes. Doubtless, it is intended to be the subject of no light-fingering. Nothing less weighty than the hand of the Secretary himself, duly impressing itself on a Treasury draft, is ever to stir it from its place. So it was, Sir, so it was precisely with the specie in the old, original bank of Amsterdam, to which this system has a striking analogy. The specie there was never to be touched, and nobody supposed it ever was touched. But when the French entered Amsterdam in 1794, it was discovered

that millions upon millions had been secretly loaned out by the bank to the India Company and others! The gentleman from Gloucester insists on historical facts. Here is one which I commend to his remembrance.

But even supposing that not a dollar of this specie should be loaned or used secretly and by stealth, this Sub-Treasury system will no sooner be fairly established, than the government itself will, in my belief, come forward with a proposition that the public funds not immediately in use should again become the basis of loans and discounts. They will find, as the Bank of Amsterdam found, that a certain small proportion of their specie will answer all the demands which are made upon them for hard money. And why, they will ask, and will ask with great force,—why should the people's gold and silver lie idle; why should it be withheld from the service of the people; why not allow it again, as it was for the first eight-and-forty years of our national existence, to be employed as a help and a stimulus to their industry and enterprise? And how will such a proposition be resisted? Sir, it will not be resisted. No party could effectually oppose it. It would seem to be opposing the right of the people to their own. Depend upon it, Mr. Chairman, let this Sub-Treasury system once obtain foothold on our soil, and this proposition will be made, and will be sustained. Your receivers-general and mint directors, your collectors and land agents and postmasters will then be the great bankers of the nation. Your Executive Magistrate will preside over the system. And the whole amount of the public deposits will be dealt out, in sums to suit, to those who shall have proved themselves most deserving of government favors. And thus, Sir, this long-looked for divorce of bank and state, will turn out, like most other divorces of those in power, to have been only the prelude for another marriage, and that, the fatal marriage of purse and sword!

Gentlemen will tell me there is nothing of all this in the bill itself. Sir, there are a great many things not in the bill, which yet belong inseparably to the system. Does anybody imagine that the finances of this great nation can be carried on by the paltry machinery which this bill in its own terms provides? Is it imagined that these receivers-general, for instance, are to do the

whole of their own work in person? And, if not, how many clerks—let me ask the gentleman from Gloucester, or the gentleman from Marblehead, for I would not pretend to anticipate the settlement of their rival claims—how many clerks do they expect to employ in this arduous and responsible station? Sir, I feel some curiosity to see the details of this “simple plan,” as it has been called by its friends. And should it ever be adopted and put in practice, as Heaven grant it never may, whichever of the gentlemen should be successful in his claims to the Boston appointment, he will not, I hope, take it amiss, if I should look in upon him in his new vocation. I shall certainly be disappointed, Sir, if I do not find him attended by some half hundred hands, surrounded by some scores of safes and vaults and strong boxes, with here and there a heap of silver and gold, it may be, glittering in open view, in remembrance of his former hard-money principles, and all, behind porticos and colonnades not a whit less magnificent than those within which, as the gentleman from Gloucester said on Saturday, “the monster had his residence during his lifetime!” This last part of the picture, Sir, is not drawn from imagination. The new custom house at Boston, in which the receiver-general of this region is to have his official residence, is expected, I believe, to be quite equal even to the beautiful banking-house of Mr. Biddle, at Philadelphia.

Mr. Chairman, the gentleman from Marblehead remarked the other day, that his party was “a party of progress.” Sir, this bill is worthy of such a party. It is evidently a bill of progress. It provides pretty well for the Generals, though even these, I imagine, will be multiplied far beyond the number proposed, when once the system is established. But the Army is wholly unprovided for—the new standing army of office-holders, by which the thousand details of the system must ultimately be discharged. Yes, Sir, this bill is eminently and fearfully a bill of progress,—a progress to which, when this first step is fairly taken, I can see no stop and no end until the prosperity and liberties of the people are entirely overrun and trampled on.

The gentleman from Gloucester, also, gave us an instructive piece of history in the course of his speech. He reminded us of the origin of the Bank of England, and recounted how it

was smuggled into existence, on the back of a beer and ale bill, as a mere rider. Nobody dreamed, he said, that they were making a bank; and I dare say the gentleman himself does not dream that he is now helping to make a bank, in advocating the cause of this Sub-Treasury bill. But he may one day or other wake up and find it in existence, and, haply, himself at the head of it. Why, Sir, has he, has anybody forgotten General Jackson's early and often-repeated proposition of "a bank founded on the credit and revenues of the country?" Has that proposition ever been disavowed, either by its original author or any one of his followers? Do those of them here present, all or any of them, disavow it now?

But I will dwell no longer on what this system may be. The bill is quite bad enough as it is. It proposes a total abandonment of the long tried and long approved policy of the country. Heretofore, we all know, a national bank has been the fiscal agent of the government, and among many other important services to the country, has furnished a uniform currency for its commerce. Henceforth, this, and every thing like it, is to be discarded. Hitherto the bills of all specie paying banks have been received in payment of public dues. Hereafter, this wholesome discrimination between redeemable and irredeemable paper, is to be utterly abandoned, and both are to be involved in a common proscription. Heretofore, the people's moneys, when not in actual employment in the public service, have been the basis of bank loans and discounts, and who can calculate the aggregate amount they have added in time past to the wealth of the country, to the wages of industry, to the general prosperity of the people? Henceforth they are to be locked up in iron chests,—about as useful to their owners, as the talent of the unprofitable servant, hid in a napkin. Sir, I cannot argue this case myself, much less could I listen to the argument of the gentleman from Gloucester, without being reminded of a pamphlet on the currency, written by Sir Walter Scott, under the humorous title of *Malachi Malagrowther*, in 1826, when the British Parliament were about trying some new financial experiment upon Scotland. The whole of it might be used here to advantage, but I confine himself to the concluding passage,—

"I have read," says he, "I think in Lucian, of two architects, who contended before the people at Athens which should be intrusted with the task of erecting a temple. The first made a luminous oration, showing that he was, in theory at least, master of his art, and spoke with such glibness in the hard terms of architecture, that the assembly could scarce be prevailed upon to listen to his opponent, an old man of unpretending appearance. But when he obtained audience, he said in a few words, 'All that this young man can talk of, I have *done*.' The decision was unanimously in favor of experience against theory. This resembles," says he, and so say I, "this resembles exactly the question now tried before us.

"Here stands Theory, a scroll in her hand, full of deep and mysterious combinations of figures, the least failure in any one of which may alter the result entirely, and which you must take on trust, for who is capable to go through and check them? There lies before you a practical system, successful for upwards of a century. The one allures you with promises, as the saying goes, of untold gold; the other appeals to the miracles already wrought in your behalf. The one shows you provinces, the wealth of which has been tripled under her management; the other a problem which has never been practically solved. Here you have a pamphlet—there, a fishing town—here, the long continued prosperity of a whole nation—and there the opinion of a professor of economics, that in such circumstances she ought not, by true principles, to have prospered at all. In short, good countrymen, if you are determined, like Æsop's dog, to snap at the shadow and lose the substance, you had never such a gratuitous opportunity of exchanging food and wealth for moonshine in the water."

This, I repeat, Mr. Chairman, exactly resembles the case now tried before the country. The temple of public credit, so long the ornament, the pride, the defence of the Republic, lies prostrate and in ruins. Its corner-stone has been struck out; its arches have crumbled; its walls are in fragments at our feet. And the architects are now contending before the people, who shall be employed to build it up. Shall it be those who allure us with promises of untold gold, or those who appeal to miracles

already wrought in our behalf? Shall it be those who show us States whose wealth has been tripled under their management, or those who point us to a problem never practically solved? Shall it be the architects of a system which has produced the long-continued prosperity of a whole nation, or shall it be the architects of nothing but the ruins which are now around us? This, Sir, is the exact question. And let it only be fairly put to the people, and I believe their decision will be unanimously in favor of Experience, and against Theory.

But, says the gentleman from Gloucester, the old system was unconstitutional. The framers of the Constitution were hard money men,—so said Daniel Webster. And there is not, and never was, any power under the instrument which they adopted to create a national bank. An attempt was made to insert such a power, but the attempt failed, and consequently the power does not exist.

A few words only, Mr. Chairman, upon this very plausible argument. The framers of the constitution were hard money men. So says Daniel Webster, and so says everybody else who knows any thing of their history. In every legitimate sense of that term, they were hard money men—but not in the spurious sense which has been lately attached to it. The framers of the Constitution had experienced the whole horrors of irredeemable paper. That paper had been, indeed, one of the main and most indispensable instruments in achieving their independence. But so had war and bloodshed, the sword and the bayonet. They had now had enough of them all, and were resolved to get rid of them all together. But all were by no means equally within control. A strip of parchment with a few official seals and signatures could put an end to the war and the bloodshed, and it had already done so. A simple word of command could sheathe the sword and unfix the bayonet, and it had already done so. But no treaty and no authority could strike out of existence the millions of irredeemable paper, which were in every man's pocket, and in every channel of circulation. To this evil they were therefore compelled much longer to submit. Long after the excitement of war and the holy rage of a struggle for liberty had subsided, this medium of frauds and

abominations, to which nothing but that excitement and that rage could ever have reconciled them, remained to poison the joys of their triumph. No doubt, then, the framers of the Constitution abhorred irredeemable paper, and in that sense, were emphatically hard money men. But in no other or stricter sense were they so, and Daniel Webster never said they were.

Why, Sir, do gentlemen forget that our fathers themselves framed a bank charter, before they framed the Constitution? And not only so, but it is rather a curious coincidence, in this relation, that the same pen, or, certainly, the same hand, which gave the last shaping strokes and finishing touches to the Constitution, had a few years previously been employed in making the first plan and original outline of this bank! "That instrument (the Constitution) was written by the fingers which write this letter," said Gouverneur Morris in a letter to Timothy Pickering. "The first bank in this country was planned by your humble servant," wrote the same gentleman to Mr. Moss Kent. I refer, I need not say, to the Bank of North America. It was incorporated in 1781 by the Congress of the Confederation. On the application of its President and Directors, the Assembly of Pennsylvania gave it a supplementary charter, in 1782. In 1785, a proposition was brought into that Assembly, precisely parallel to that which has recently agitated the Convention of the same State, to abolish this charter. Upon this occasion, Mr. Morris came to its defence, and wrote an address to the Assembly, going over the whole ground both of contract and of convenience, of justice and of policy. Upon the latter division of the subject he dwelt at great length, examining all the objections which had been raised against the Institution in question. And what were those objections? The same, the same precisely in substance, and many of them almost the same in phraseology, which have been resounding and echoing over the country for the last six years. Let me prove this by stating them.

These objections, said Mr. Morris, are:—

"First, that it enables men to trade to their utter ruin by giving them the temporary use of money and credit.

"Secondly, that the punctuality required at the banks throws honest men into the hands of usurers.

“ Thirdly, that the great dividend on bank stock induces moneyed men to buy stock rather than lend on interest.

“ Fourthly, that rich foreigners will, for the same reason, become stockholders, so as that all the property will finally vest in them.

“ Fifthly, that the payments of dividends to foreigners will be a constant drain of specie from the country.

“ Sixthly, that the bank facilitates the exportation of coin.

“ Seventhly, that it injures the circulation of bills of credit.

“ Eighthly, that the wealth and influence of the bank may become dangerous to the government.

“ Ninthly, that the directors can obtain unfair advantages in trade for themselves and their friends.

“ And tenthly, that it is destructive of that equality which ought to take place in a free country.”

These, Sir, are the objections to a national bank which were agitating the public mind less than two years before the Convention assembled by which the Constitution of the United States was framed,— and these are the objections against which, one, at least, of the principal framers of that Constitution was foremost in defending such a bank. I might go on to show that others of them were associated with him, either directly or indirectly, in its defence. But I have said enough to prove that, though the framers of the Constitution were hard money men and abhorred irredeemable paper, they were by no means ignorant of the nature or insensible to the advantages of banking institutions, or of convertible paper, but that at the very moment when they entered into the Convention of '87, they must all have been fresh in the remembrance, and some of them in the experience also, of a controversy, in which all the benefits and all the dangers of such institutions and of their issues had been considered and discussed, and in which the former had been decided altogether to preponderate over the latter.

But the gentleman next reminds us that a proposition was made in this very Convention, to give Congress the power to charter a bank, and was rejected. The fact is not precisely so, Sir. Or at any rate there is no evidence of any such proposition on the records of the Convention. As far as any document



exists, the proposition which was made and rejected, related only to incorporating canal companies. The evidence that the motion was amended so as to include banks, and finally all other corporations, is entirely traditional. And the grounds on which the proposition, whatever it was, was rejected, have been widely differed about by those having equal opportunities to know them. Some have affirmed that it was rejected from an unwillingness to confer such a power at all, and others that it was because the power being implied as to all affairs over which a sovereign authority had been granted, it was unnecessary to specify it in any case more particularly. It is plain, Mr. Chairman, that no reliable inference can be drawn from a fact so loosely authenticated, and no inference, especially, so contradictory to the whole tenor of other well-attested and notorious facts which certainly occurred almost immediately afterwards. Has the gentleman from Gloucester never read that in both branches of the first Congress under the new Constitution,—and during the first session of that first Congress, I believe,—one amendment among many that were offered to the Constitution, to be subsequently ratified by the people, was this,—“That Congress erect no company of merchants with exclusive advantages of commerce”—and that this proposition, too, was rejected? Is not this well-authenticated fact, Sir, a pretty satisfactory set-off to the more doubtful one on which the gentleman has relied? Certainly, it seems so to me.

But what did this same first Congress do, at a subsequent session? They incorporated a National Bank. Hamilton drew the plan. Was not he a framer of the Constitution? Washington signed the charter. Was not he a framer of the Constitution?

It has been suggested that Washington's assent to this act was slowly and hesitatingly given, and that a veto-message was actually prepared for him. This veto-message, again, Sir, rests on mere hearsay evidence. But even were it extant among his papers, as it certainly would have been had he attached to it the slightest value or importance, what would it prove, so long as it was not signed, but what we all knew before—the untiring activity and exceeding confidence of his anti-bank advisers?

And as to the slow and hesitating assent which he gave to this measure, Washington never gave a quick or hasty assent to any thing. It was not his nature to do so. His reason and not his humor, his conscientious and well-considered judgment, and not any rash and arbitrary will, were the rules and standards of his action. It was by this very slowness and hesitation, that he secured the success of our Revolutionary contest. American Independence could have been achieved by no other qualities in the leader of its armies.

*Unus cunctando nobis restituit rem.*

And so far from regarding the hesitation which characterized his course as to this national bank as favorable to the cause of those who have suggested it, the whole weight which the suggestion possesses, whatever it is, seems clearly to belong to the other scale. Why, Sir, does it make an opinion less worthy of confidence, that it was slowly and deliberately formed? Does it diminish the value of a decision, that it was pronounced after a full hearing and upon solemn judgment? Does it impair the efficacy of seals and signatures, that they were affixed after many misgivings and with much ceremony? The very reverse of all this, certainly,—and especially where the opinion was formed, the decision pronounced, the signature and seal affixed by a man like Washington. He was not the person to strike nice balances in accounts of conscience or of duty. He was no constitutional casuist. Much less would he ever have given his pen to one side of a question, while his opinion was on the other. When he doubted, he sought sincerely and anxiously to resolve his doubts, and he rarely acted till they were resolved. He summoned councils, he solicited opinions, he insisted on the fullest and freest statements and arguments of the case on both sides, and upon the materials thus obtained he turned and fastened the calm, clear, dispassionate eye of his own powerful judgment. And then, like the mists before the sun, those doubts were dispelled. And let me add, that he who goes behind the approving signature of Washington, to magnify scruples, hesitations, or doubts which were expressed or implied by him before that

signature was given, does great injustice either to his ability or his integrity.

But the charter which he signed was suffered to expire, and after a few years a second charter was signed by James Madison. Was not he a framer of the Constitution? Was there any one among those framers more distinguished, any one whose opinion as to what the Constitution was or was intended to be, upon this or any other point, we should rather have had? True, Mr. Madison had originally opposed this measure. True, he had himself once vetoed a national bank charter. And the grounds upon which that veto was based are certainly not a little remarkable, when considered in connection with the present doctrines of the Government and the present condition of the country. They were these, Sir,—that the amount of stock to be subscribed would not be sufficient to produce, in favor of the public credit, any considerable or lasting elevation of the market price; that no adequate advantage would arise to the public credit from the subscription of Treasury notes; that the bank would be free from all obligations to coöperate with public measures; and that the bank would commence and conduct its operations under a perpetual obligation to pay its notes in specie! Not a word here about divorces between Bank and State, but objections rather that the alliance between them was not made closer. Not a word about the Government taking care of their business and the people of theirs, but a complaint that there was not enough of coöperation between Government and people to sustain the public credit. And even a suspension of specie payments, instead of being denounced as under all circumstances, immoral and fraudulent, is regarded as so essential, in certain emergencies, to the welfare of the country, that it ought to be allowed and authorized in the very terms of the charter!

But what did Mr. Madison say in this same veto message on the point of the constitutionality of that charter? He declared expressly, Sir, that all question of the constitutional authority of Congress to incorporate a bank, was, "in his opinion, precluded by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the legislative, exe-

cutive, and judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation."

Mr. Chairman, nine-and-forty years have passed away since the foundation of this Republic. During forty of those years a national bank has existed. It has received the deliberate sanction of many of the framers of the Constitution. I know not that any one of them has ever perseveringly and consistently opposed it. It has received the official signature both of Washington and of Madison, and the latter declared more than twenty years ago that its constitutionality was even then, in his opinion, no longer a matter of question. And yet, Sir, we are now gravely told that such an institution is not constitutional, never was constitutional, and never will be constitutional, and are soberly invited to enter anew upon an abstract original argument upon this point. For one, I decline that invitation at once and altogether. Had I the logical powers of Hamilton and Marshall and Madison and Webster conjoined, and without them one could in vain expect to put the subject even in as clear a light as that in which it already stands on the pages of these great constitutional statesmen, I should regard it as not only a wasteful, but as an unworthy employment of those powers to argue such a question. It seems to me too much like arguing the constitutionality of the Constitution itself; too much like going behind the Constitution to interpret the mysterious terms of some original compact or divine right; too much, in short, like open and outright nullification. Having confined myself, therefore, to a merely historical view of the subject, and being satisfied that any one who is not convinced by that would be convinced by nothing, I turn to the last topic of my remarks.

The gentleman from Gloucester has again and again during this and other debates, taken occasion to allude to the party names of the day, and has more than once summed up his opinion of their propriety in the elegant exclamation — "American Whiggery is British Toryism." He has not indeed been entirely and at all times consistent in this cry. The expression, on one occasion, that conservatism had grown rife here, — the declaration, on another, that he was defending the institutions of pro-

perty from a destructive majority in this House,—and the allusion, on a third, to the old joke of Dr. Johnson, that the first Whig was the Devil,—have been edifying episodes. But the main burthen of his song has still been —“ American Whiggery is British Toryism.”

If I remember right, Sir, the first time this expression was heard in the House, it was used in a relation somewhat personal to myself, and therefore it is, that I feel a greater disposition and a greater liberty to notice it. It was during a debate on a point of order which it was my fortune to be called on to decide soon after my election to the Chair,— and in deciding which I referred, as an authority, to a similar point which had been decided in the British Parliament about five-and-twenty years ago. Upon that point there was no division in the House of Commons, and of course there is nothing upon record to show who was for, or who was against, the decision. But the sharp optics of the gentleman from Gloucester, seeing things not to be seen, have discovered that it was altogether and exclusively the work of a Tory majority, and that the Whigs of that assembly were to a man opposed to it. And hence, “American Whiggery is British Toryism.”

Now, Sir, I do not propose to argue that point of order over again. Having twice decided it, and twice given my reasons at length, and twice been sustained by an overwhelming majority of the House, I should have no desire, even were it pertinent to the present issue, to enter upon it anew. Let me say, however, that it is one thing to follow a Tory precedent in favor of the rights of the people and of their title to representation, and a very different thing to follow such a precedent when it leads in an opposite direction. If the right of a Representative to his vote, or rather the right of the people to the vote of their Representatives, were esteemed too precious and too sacred, even in the rotten-borough system of the British Parliament five-and-twenty years ago, to be set aside upon any indefinite allegation of personal interest, how much more should it be held inviolable upon such a ground, under the free and equal system which we here enjoy! Let me add, Sir, that, whether this be a Tory precedent or not, and there is nothing but gratuitous assertion to

show what it is, it is the only precedent on the record of Parliamentary proceedings on either side of the ocean;— I should rather say that it is the latest of a series of precedents all bearing upon the same point, and all sustaining the same decision, and with whose conspiring authority I have found nothing in reason, and nothing upon record, to conflict. But enough, and more than enough, of this digression.

The charge of British Toryism against the American Whigs, and the corresponding claim of British Whiggism in behalf of American Tories, have not been confined to the circumstances of this case or to the principles of this decision. They have been applied to the whole political character and conduct of both parties, and with particular reference to the great financial questions upon which they are now divided. Now it would be no difficult undertaking, I am inclined to think, Sir, to prove both the charge and the claim, whether in their broader or more restricted application, to be utterly unfounded and false. I have already alluded to the fact that the joint stock banking system, which it is the design of this Sub-Treasury scheme to annihilate, has grown up and greatly extended itself under the late liberal policy of the British Government. A still greater extension of that system has been recently demanded by the British Whigs, and some of the more radical of them have even been clamoring, not for a metallic currency, like the radicals of our own land, but for downright irredeemable paper. A free circulation, they declare, is the only mode of making trade prosperous and wages high, and, though I by no means agree with them in this last mode of making the circulation free, their declaration is undeniably correct.

But, Mr. Chairman, I will not suffer myself to be diverted, by the ingenuity of the gentleman from Gloucester, from the true issue as to the propriety of these party names. It was no hard-money doctrines, it was no financial schemes, that gave rise to the renewal of the old Revolutionary titles. No, Sir, but the means by which those doctrines were inculcated, and the acts by which those schemes have been enforced. It was that series of Executive assumptions and usurpations, that succession of vetoes and circulars and orders, to which I have already alluded,—

and of which, let me add, that had they resulted in the unmingled prosperity of the country, instead of in its present depressed and disastrous condition, they would have no less deserved the rebuke and condemnation of a free people,—it was these arbitrary and tyrannical acts, and the gentleman cannot have forgotten it, which called back into political service the old appellations of Whig and Tory. And by these measures, and not by any abstract opinions upon currency or credit, is the propriety of those appellations to be determined.

But the Maysville Veto was a self-denying ordinance, the gentleman tells us. This is a new name, certainly, for an exercise of that high kingly prerogative. But it is a good name notwithstanding, Sir, and I thank the gentleman for teaching me its use. A self-denying ordinance! Where did that phraseology come from, and what did it originally designate? The self-denying ordinance, Mr. Chairman, was the first of those subtle and hypocritical pieces of policy by which Oliver Cromwell ultimately obtained the mastery of the British Empire. It was an ordinance by which every body was denied but himself, and every will but his own will. And the Maysville Veto, too, was the first in that series of vetoes by which the will of General Jackson obtained supremacy in this Union, and by which the will of the people has been so frequently and fatally denied and nullified. Certainly, Sir, it was a self-denying ordinance. And the veto of Mr. Clay's Land Bill was another. And the veto of the Massachusetts Interest Bill was another. And the veto of the Bank Charter was another. And the veto of the Bill repealing the Treasury Order was another. Self-denying ordinances all, Sir, and worthy of going down to posterity on the same page with their great original. And a pretty ample page they would require. It is a well known fact that General Jackson resorted to this self-denying process at least twice, and I rather think, three times as often, during his single administration, as all our other Presidents together. Indeed, this sort of self-denial has been his leading characteristic through life, and hence, doubtless, even his private mansion has always been denominated the Hermitage!

And then, Mr. Chairman, the ways and means by which this

self-denial has been manifested! What shifts and subtleties, what tricks and contrivances have been left untried, by which the just and constitutional responsibility of a veto could be evaded or avoided! In some cases, we know, no reasons at all have been rendered, but the objectionable bill has been permanently withheld from the further action of Congress. In other instances, the veto message has been sent to a different Congress from that which passed the bill. And in still another instance, the bill, instead of being returned to Congress with the objections of the President, was sent to the office of the Secretary of State with the objections of the Attorney-General. And then that Veto-Extraordinary and Message-Plenipotentiary — the Protest—despatched to the National Senate on the passage of a resolution declaring “that in the late Executive proceedings in relation to the public revenue, the President has assumed a power not conferred by the Constitution and laws, but in derogation of both.” That doubtless was a self-denying ordinance also! Its pointed rebuke and proscription of the four members who held their seats, as much more than four of the administration members of the Senate now hold theirs, in opposition to the latest declaration of the will of their constituents,—where will a precedent be found for that proceeding since Charles the First complained to the House of Commons of John Hampden and the rest, or, certainly, since Cromwell himself gave leave of absence to an uncomplying Parliament? Its extraordinary declaration that the President himself was the only direct representative of the American people,—where will a precedent be found for such a doctrine as that, since Louis XIV. exclaimed, “I am the State?” Its final and legitimate consummation, by which the Journals of the Senate were mutilated, and the obnoxious resolution expunged,—where has there been such a prostitution of the public records to the will of an Executive, since James the First tore out an offensive vote of the Commons with his own hand?

I repeat, Mr. Chairman, that it was these arbitrary and tyrannical doctrines, these arrogant assumptions of powers not granted, these outrageous abuses of powers granted, this consolidation of all departments into one department, and this



subjection of all wills to one will, which revived throughout the Union the old Revolutionary designations of political parties. And unless the friends of the national administration shall disavow and denounce these doctrines and these deeds to which I have referred, or unless they shall expunge, not one, but all of them — not from a mere Legislative Journal only, but from the pages of history, and the memory of man, — however they may wince and writhe under the odious title which has attached to them, they will in vain essay to shake it off. They must stand for Tories still.

Mr. Chairman, I am glad the gentleman from Gloucester has seen fit to raise this issue. It has not only given me an opportunity to set matters right on this head, but has afforded me an opening for giving expression to a sentiment which I have deeply felt during the past year, and with which I will conclude these remarks. I need hardly say, Sir, that I do not underestimate the calamities in which the late crisis has involved the country. But great as they have been and still are, as often as I have reviewed the high-handed Executive acts of which I have spoken, I have come to this deliberate and solemn conclusion, — that if the redemption of the country from such usurpation and misrule could have been purchased at no other price than this crisis and these calamities, it would still have been purchased cheap. My honorable friend from Charlestown, (Mr. Austin,) remarked the other day that he never would play the part of the strong man at Gaza, and pull down the pillars of the public prosperity, in order to effect the downfall of his political adversaries. I cordially concur with him, Sir, in that patriotic sentiment. I would not have produced one jot or tittle of existing sufferings for any political effect, nor would I now protract them one hour or moment for such a purpose. I hold it to be the duty of us all, as citizens and as legislators, to do all in our power, without distinction of party, to bring about a restoration of prosperity, and particularly a resumption of payments. But looking upon the crisis as a thing already existing, and in the production of which I, at least, had no part or agency, I say again, that if the political redemption of the country could have been procured at no other or lower rate, I would still have

had it purchased at this rate, and would still have gladly paid my full proportion of its price. Sir, I rejoice in the self-vindicating power of the Constitution, which this crisis has displayed, — I repeat it, Mr. Chairman, **THE SELF-VINDICATING POWER OF THE CONSTITUTION**, — for that seems to me the very key and index of the whole catastrophe. The first object and operation of the Constitution was to revive a prostrate commerce, to restore a fallen credit, to raise up a depreciated and still sinking currency. And was it not entirely fit and appropriate that commerce, and currency, and credit, should give signs and warnings, when that Constitution was violated and trampled upon, by their own depression and downfall? For myself, I thank my God that it has been so. I pray him that the public prosperity may never survive the public liberty. I pray him that whenever that liberty may be menaced, whenever the Constitution assailed, whenever the wide arch of this glorious Republic in danger of falling, the people, the whole people, may be roused up to the rescue, if in no other way, by their own sufferings and distresses!

## THE VOTES OF INTERESTED MEMBERS

A DECISION PRONOUNCED IN THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS, FEBRUARY 19, 1840.

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A BILL to increase the capital stock of the Boston and Sandwich Glass Company being under consideration, and Mr. Church, of Westport, having moved an amendment in the following terms:—"The private property of the Corporation, or Stockholders for the time being, and of those who shall be stockholders at the time when any debt shall be contracted, shall be holden for the payment of such debt, and may be taken therefor on any execution issued against the Corporation for such debt, in the same manner as on executions issued against them for individual debts. Any Stockholder who shall pay any debt of the Corporation for which he is made liable, by this Act, shall have the same remedies for the recovery of the amount so paid, or any part thereof, as is provided in the 32d<sup>d</sup> Sec. of the 38th Chap. of the Revised Statutes;" and the yeas and nays having been taken on this amendment, Mr. Allen, of Northfield called upon the Speaker to disallow the votes of Messrs. Safford and Quincy, of Boston, and of Mr. Baker, of Dorchester, as being Stockholders in the Corporation, and as being therefore precluded from voting, under the fourteenth rule of the 2d chapter of the Rules and Orders, which is as follows:

"No member shall be permitted to vote, or serve on any Committee, in any question where his private right is immediately concerned, distinct from the public interest."

The Speaker decided that those gentlemen did not come within the meaning of the rule, and declined excluding them from the count. From this decision Mr. Allen appealed, and thereupon the Speaker stated his reasons as follows:—

THE SPEAKER said that he had already remarked to the House that the point which had been raised by the gentleman from Northfield was by no means a new one to him. During the first session in which he had the honor to occupy the chair of the House, he was twice called on to decide it. On both of those occasions he spared no pains in examining the authorities and precedents on the subject; on both of them he had the satisfaction to arrive at a clear and unhesitating conviction in

his own mind; and on both of them, too, he had the still greater satisfaction of being sustained by a large majority of the House.

The first of these cases was that of one or more Bank Directors and Stockholders, whom it was proposed to exclude from serving on a committee of one from each county, to which had been referred a memorial from the Associated Banks, on the subject of the suspension of specie payments. The Speaker decided that Bank Directors and Stockholders were entitled to serve on such a committee under the rule; and that decision, after a long argument in opposition to it by a gentleman not now a member, was sustained, 337 to 97.

The second case was that of sundry Stockholders in the Western Railroad Corporation, whom it was proposed to exclude from voting on the bill for granting the credit of the State in aid of the enterprise in which that Corporation were engaged. The Speaker decided that those Stockholders were entitled to their votes; and that decision, also, was sustained, 238 to 43.

These cases differed considerably from each other, and both of them, in some degree, from that now under consideration. The former related to a whole class of corporations,—the doctrine advanced in opposition to the Chair being, on that occasion, that no director or stockholder in the one hundred and eighteen banks in this Commonwealth could serve on any committee, or give any vote on any question, relating to banks and banking. The latter related only to a single corporation, and in this respect was analogous to the case before the House. It was obvious, however, that all three of them involved the same general principles, and must be governed by the same parliamentary precedents.

There was one point in which the Speaker said he was glad to find that all these cases agreed. In neither of them did his decision affect results. The committee, on which the bank director was permitted to serve, could of course do nothing final. Their proceedings, like those of all other committees, were controlled by the House. So also in the second case, had all the stockholders in the Western Railroad Corporation, who were members of the House, been deprived of the right of voting, the aid of the State would still have been granted by a handsome majority. And so

in the present instance, too, should the three gentlemen who have been named as stockholders be excluded from the count, there would remain a majority of thirty-seven to dispose of the amendment of the gentleman from Westport. The Speaker trusted that these circumstances would insure to the question on the present occasion, as they doubtless had in the previous instances in which it had been raised, a more calm, deliberate, and dispassionate investigation, than if an important issue were immediately involved in its settlement.

Such an investigation he thought it eminently deserved. In his judgment it was a question of high importance and of far-reaching responsibility. Other corporations were concerned in its settlement beside the Sandwich Glass Company;—corporations of a different class and character. The real question before the House was, whether the city of Boston should be deprived of two of its members legally chosen and duly qualified, and the town of Dorchester of one third of its rightful representation here, on an allegation that the private interests of the members referred to were inconsistent with a faithful discharge of their duty to their constituents? It was the right of the towns and cities, and not of the members themselves, which was really at stake in this and in all similar cases. And gentlemen would do well to bear in mind, that though the controversy might now relate to a city and a town which perhaps could afford to spare a vote or two,—it might next be raised in relation to such as had but one Representative, and thus disfranchise them altogether on particular questions.

The Speaker said that as often as he had reflected on this view of the case, and it had been again and again the subject of his examination, he had been led to doubt both the policy and the justice of retaining in our Rules and Orders any such principle as that under which the question had been raised. The power of the House in all matters relating to their own proceedings might, perhaps, be unquestionable. The Constitution expressly gave them such a power and he supposed it to be absolute. They might silence members, he presumed, not merely in the case provided for, but in any or all other cases, subject only to their responsibility to the people. But power was obvi-

ously one thing, and right another. And he had often been led to question the right by which any portion of the Representatives of the people could say to any other portion, except where it might be absolutely essential to their own self-defence and self-preservation as a deliberative, legislative body, that they should not exercise the common and acknowledged privileges and powers of membership. All were here by similar titles and upon similar terms. We were the Representatives of the several communities which had elected us, and our responsibilities were to them, and not to each other. And it would seem no inappropriate reply, to any one who should attempt to interfere with another in the exercise of his duty as a member, and to exclude him in any case from his equal share in the collective will of the House, upon some allegation of his being disqualified for the service which his fellow-citizens had assigned him,—“Who art thou that judgest another man’s servant? To his own master he shall stand or fall.”

The Speaker confessed, therefore, that, as a matter of principle, he was opposed to the rule altogether. But it had come down to us from a distant antiquity, and had been annually incorporated into our parliamentary system. It was his duty, accordingly, as the servant of the House, to observe and execute it. And he should not shrink from doing so, wherever its execution was called for. But the same views which had led him to question its justice in the abstract, would lead him also, now and always, to give it the narrowest possible construction. He desired to be personally instrumental in depriving as few of the Representatives of the people as might be, of what seemed to him their just and rightful prerogative. And he had no hesitation in repeating what he said on this subject three years ago, that he should very much prefer to have any one or any number of his decisions set aside by the House, than to be guilty himself of setting aside the vote of a single member in a case in any degree doubtful.

Nor did scruples like these seem to have been confined to himself. Old as the rule was, and incorporated, as it had been, into all our legislative systems, national and State, it seemed to have been a very rare occurrence for it to be enforced, or even

for any question to be raised under it. With the exception of a single case which had recently occurred in Congress, during a very exciting discussion, and to which he would presently allude, he had no knowledge of any such point having been raised in any American Assembly but our own. Doubtless, there must have been such instances in some of our State Legislatures, but he had never met with any, and knew not where to find any account of them. During the long and agitating controversies, extending through so many successive years, as to the re-charter of the United States Bank, in Congress, although partisan jealousies were sharply stimulated against that institution, although not a few of its stockholders were known to be members, and although accusations of other sorts of interest in its continued existence were rife in all quarters, no such point of order is believed to have been started. The rule, by general consent, seems to have been left to operate upon individual consciences, inducing members to decline voting of their own accord, wherever they felt they were liable to be swayed from the discharge of their duties by their private interests, or wherever perhaps, they were unwilling to incur the suspicion of being thus swayed,—but to have been regarded as altogether too odious and too arbitrary to be put forcibly into execution.

But its execution had been demanded in this case by the gentlemen from Northfield, and, in default of any American authorities on the subject, the Speaker said he was compelled to resort to the Parliamentary Annals of the Mother Country, from which the rule was originally borrowed, to find precedents for determining its rightful interpretation and legitimate intent. Even there the precedents were few and far between;—but the Chair was happy to state, that all which he had been able to find had confirmed him in his opinion that the strictest and narrowest possible construction was to be given to the rule, which its terms would admit of. Even in an unreformed, rotten-borough House of Commons, where there was so little pretence to any representation of the people on the principle of equality, and where so many of the members were without any direct responsibility to the people in the true sense of that term, there seemed to have been the utmost caution observed in *disfranchis-*

ing a member on any pretence of private interest. How much more ought such a caution to be observed in a Legislative Assembly so carefully constituted to insure equality and responsibility as ours!

There were but three leading cases in the English Parliamentary Journals on this subject, so far as the Chair had found opportunity to examine them. The first in order was the *Loyalty Loan* case, in 1797. This was a question about allowing an outright *bonus* or gratuity of five pounds in the hundred to the subscribers to a loan called the *Loyalty Loan*, which had been made to the British Government in a great public exigency, and by which the subscribers had suffered a pecuniary loss. It was a measure purely of pecuniary relief and indemnification to private individuals. It was there decided that the interest of the subscribers was direct and immediate. It was a vote of money directly and immediately out of the public Treasury into their own pockets, and the votes of such of them as were members — except, indeed, of those who declared in their places that they did not intend to avail themselves of the *bonus* — were accordingly disallowed. This case, it would be perceived, was precisely analogous to the pension case supposed by the Chair, a day or two since, when this point of order was first suggested, and did not go at all beyond it.

The second case was that of the *London Flour Company*, incorporated for the manufacture of bread in the year 1800. By that bill certain persons were not merely incorporated for the purpose which has been named, but it was provided that they should be allowed ten per cent. interest on moneys advanced by them for the establishment, instead of five per cent. which was the legal rate of interest. In this case it was decided, that subscribers to the stock might vote on the passage of the bill in all its various stages, and upon all questions arising in relation to it, with the single exception of that relating to this provision as to the rate of interest which they should be allowed to receive. But on a motion to reduce this rate from ten per cent. to five, their votes were disallowed.

The third case was that of the *Gold Coin Bill*, in 1811, — a bill introduced to remedy some of the evils growing out of a



suspension of specie payments and a depreciation of paper money in England, and in which it was alleged the Bank of England was deeply interested. The direct purpose of the bill was to prohibit the purchase of gold coins at any price above their par value in paper. The immediate intention was to bring up the bills of the Bank of England from the state of depreciation in which their irredeemability had naturally involved them, and to restore them to their full nominal value. On this occasion there were no less than forty-five directors and proprietors of that institution in the House of Commons, and the votes of all of them were allowed, after much debate but without any division.

Of these three cases, the only ones the Speaker had been able to find, the second manifestly presented the nearest analogy to that now before the House. It was, like this, the case of a Corporation whose charter was immediately under consideration; and the question there, as here, was how far the stockholders could vote upon that charter. It was clear, that if that precedent were to be followed, they could vote on the passage of the bill from one stage to another, and on its final passage, and on all other questions relating to it, except where the question was solely and exclusively one as to the amount of their own profits. The principle of the case, as repeatedly laid down in the debate on the point of order, was, — that where a bill was partly of a public nature and partly of benefit to themselves, (and it was admitted that that bill was of such a mixed character,) the stockholders might vote on the principle; but that whenever the incidental point arose in which their own interests exclusively lay, they could not vote.

This is substantially the rule of this House, by which it is provided, that to exclude a member from voting, the interest must be a private interest, — or rather “a private right,” (a word certainly of greater caution, and which unquestionably justified a narrower construction than the English rule,) — immediately concerned and distinct from the public interest. And now the question was, whether the proposition offered by the gentleman from Westport involved directly and immediately such a distinct private interest of the Stockholders of the Boston and

Sandwich Glass Company, and presented such a question of unmixed private right, as to exclude them from voting on it under the rule as illustrated by these precedents.

This inquiry rendered necessary some examination of the proposition itself, and the answer to it would undoubtedly depend not a little on the different views which were entertained as to the character and consequences of that proposition. Did this proposition of unlimited liability present to the House solely and singly a consideration of profit or loss to the stockholders? Was it a naked, unmixed matter of private interest or private right to the company? Had the public no concern in the question? If such were the case, the three gentlemen clearly could not vote upon it. But the Chair certainly did not regard it in that light. He looked upon the question of limited or unlimited liability, whether in reference to all corporations or to one, as a question in which the public was deeply interested. He had always believed that where there was an unlimited liability, an unlimited credit was sure to follow; that instead of looking to the capital only, the public were led to place their trust on some indefinite amount of individual wealth behind it; that unwarranted confidence was thus certain to be created, while, at the same time, those of the stockholders whose liability beyond their stock was worth any thing, were not less certain to withdraw from the concern; and that the security of the corporation, of its creditors, and of the community generally, were thus at once and together put in jeopardy. The tendency of such a measure to drive capital out of the State, furnished another mode of illustrating the interest of the public in such a proposition. But, without entering further into his personal opinions as to the amendment in question, it was enough for him to say, that it had been argued from first to last on the express ground of the public interest, the interest of the creditors and the interest of the community generally. No one had pretended that it was a mere matter of dollars and cents to the stockholders — a simple question whether they should receive ten per cent. or five per cent. on their money. The very term liability was a relative term. Liability to what? Liability to whom? It was plain, and had been all along admitted, that, however there might be

a private interest at stake, it was not presented distinctly from the public interest which was concerned also, but was involved and mixed up with it. And the precedents expressly asserted that where a matter was "of a mixed nature, partly public and partly private," stockholders should be allowed to vote. He might go on to observe that there could be no certain evidence in the case of an individual stockholder, whether he could have any private interest at all in the subject, as this must depend on the fact whether he had any property beyond that embarked in the concern, upon which this unlimited liability was to rest. If, in the case of the Loyalty Loan, the mere declaration of a purpose not to avail himself of the *bonus*, could exempt a subscriber from the operation of the rule, an absolute inability to receive either advantage or detriment from any particular provision, would certainly be no less effectual. But the views already taken he regarded as sufficient without so great a refinement; and he had only suggested it as an illustration of the extreme care which the precedents inculcated in the application of the rule in question.

The Speaker said that the case to which he had alluded as having recently occurred in Congress, was that of the New Jersey members, who were declared by Mr. J. Q. Adams, while in the Chair of the House of Representatives, to be entitled to vote on a question relating to their own case. The Speaker said he had no record of that decision, and referred to it only from memory. It was a case, to say the least, as to which he should have felt quite as much doubt as about that now under consideration. He had been led to think of it, by one in some degree analogous, which seemed likely to present itself within a few weeks past, in reference to the two members from Mendon, whose seats had now been vacated, but who, it was well remembered, voted in every instance on their own case, down to the final yeas and nays on the question of declaring their election void. And even on that question they were not prevented from voting by the Chair or by the House. Now, some of the Parliamentary authorities expressly referred to election cases as coming under the usage on the subject of interested members. One of the oldest precedents on record on this subject, he be-

lieved, was an election case. He was glad, however, that, in the Mendon case, no point of order was pressed, and that he was relieved from the necessity of choosing between the authority of President Adams, fortified by his own deliberate private judgment, and the precedents of the Parliament from which the rule had been borrowed. True, there was this marked distinction between the New Jersey members and the Mendon members,—that the former were provided with certificates of unquestionable validity, while those of the latter were believed to be without some of the requisite sanctions and signatures. But not even this would have reconciled him to depriving those gentlemen of their votes in one case, while the House permitted them to retain their seats at all.

It might be asked of the Speaker, in what cases the rule was to be applied, so as not to be altogether inoperative. The case of a pension had already been suggested. If a member of the House were a petitioner for a pension, bounty, remuneration, or indemnification of any kind, the rule would clearly exclude him from voting on the question. A large number of resolves had already passed the House and others were still in the orders of the day, granting gratuities to persons who had arrested criminals, detected counterfeiters, or rendered other service to the community. If any of these persons had been members of the House, their votes must have been disallowed. Then there was a class of cases liable at any time to arise out of the conduct and character of members, when charges might be made against them upon which the House might find it necessary to proceed, or when by some gross violation of order and decorum in the House, or of morality and honor out of it, they might subject themselves to reprimand or expulsion. And questions might also, perhaps, occur in relation to corporations, on which the votes of the stockholders would be excluded under the precedent of the London Flour Company, before cited. But these questions the Speaker believed could be very few, and the multiplication of them he thought would be attended with danger to the great fundamental right of the people to representation on the principles of equality. If members duly elected and qualified were to be deprived of their votes, as had been demanded, now and for-

merly, on every question relating to corporations in which they may be associated with hundreds of other members of the community, and in the prosecution of a business which directly employs the labor of other hundreds of workmen, and indirectly of still other hundreds of agricultural producers, — if such an interest in any question as this, must be construed into “a private right distinct from the public interest,” subjecting a member to a temporary disfranchisement, — the right of the people to an equal representation on every subject of legislation, would be rendered precarious indeed. If the stockholders of such corporations were to be deprived of their votes, how should it be with the stockholders of rival corporations or even of individuals engaged in the same business, whose interests might be adverse, and whose policy might be to crush competition, if any such should chance to be members? How should it be with members who owned real estate in the vicinity of the establishment, or with farmers who would sell their produce at higher prices owing to its neighborhood, or with agents or factors who had the sale of its wares and fabrics? All these might have interests fully equal to those of the stockholders. And with what class of corporations should the proscription cease? How should it be with members of municipal corporations, when questions of particular and exclusive interest to those corporations should occur? On the questions of boundary between adjacent towns which were annually occurring, were the members from both towns to be ruled out from voting? If a strict analogy were to be observed between the proceedings of courts of justice as to jurors and witnesses, and the proceedings of this House, such cases as these must clearly be comprehended under the rule.

There were others, too, besides members of corporations, as to whose right of voting questions must arise, if the rule were to receive such an extension? How should it be with farmers, on the bounties on wheat or silk? How with innkeepers or grocers, on the regulation of the sale of spirituous liquors? How with the members living in the vicinity of Charles River and Warren bridges, on the subject of restoring a toll to those decaying structures? The doctrines which two years ago would have deprived a stockholder in any bank in the Commonwealth

from serving on a committee or voting, in reference to the entire subject of banks and banking, would seem to justify a similar proscription in all these cases.

But the Speaker said he would no longer trespass on the indulgence of the House. He was aware that gentlemen might at first sight be disposed to construe the rule as the gentleman from Northfield had seemed to construe it, in appealing from his decision. And therefore, believing it to be a rule of doubtful constitutional justice, in derogation of the rights of the members, adverse to the equality of the representative system, and which, unless carefully limited, was capable of being wrested to the worst of purposes, he had felt bound to give to the House his honest views of its character and tendency, and to explain to them fully the grounds of his decision.

His own disposition would be never in any case to apply the rule to a case of corporate interest. Corporations had been so multiplied of late years, and their interests had become so closely interwoven with those of the whole people of the Commonwealth, that it was difficult to imagine cases in which they were entirely distinct. The interests of individual corporations even, partook largely of the character of public interests. To how large a number of persons must an interest be common, to be entitled to the designation of a public interest? The Western Railroad Corporation had some thousands of stockholders. Was the interest which a member held in common with thousands of others, to be regarded as a private interest? What, then, should be the numerical limit at which an interest should cease to be private, and be acknowledged as public? The members whose votes were in question in the present case, were interested in common with at least a hundred stockholders, and there were frequently more than three hundred operatives employed in the establishment. The Speaker said that if, in any case, he was to be compelled to regard interests like these as grounds of exclusion under the rule, it would only be where the authority for so doing was plain, precise, and unavoidable. He would follow in the steps which had been already taken in this line of construction, as it was his duty to do; but he should adventure on no new tracks in a direction so contrary to his opinions of

policy and justice. And, if he must err at all, he should always endeavor to err on that side, which should insure the greatest freedom of voice and vote to those who held their seats in the House by the same title with himself, and who had all the constitutional qualifications for a full, equal, and unrestrained exercise of the privileges of membership.

The decision of the Speaker was sustained, 259 to 189.

## REPLY TO A VOTE OF THANKS.

AN ACKNOWLEDGMENT OF A VOTE OF THANKS TO THE SPEAKER, PASSED  
BY THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS, MARCH  
21, 1840.

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GENTLEMEN OF THE HOUSE OF REPRESENTATIVES, —

I NEED not assure you of the sincere pleasure with which I rise to respond to the Resolution you have just adopted. I thank the gentleman from Westport for proposing it. I thank each member of the House for uniting in its passage. Called, as I was, at the commencement of the session, by so mere a majority of the members present, to preside over a body so nearly balanced in reference to the all-absorbing subject of party politics, I entered on the duties assigned me with little hope of giving satisfaction, either to myself or others. I looked forward to labors, of which other years had afforded me no experience. I anticipated trials, for which previous sessions had furnished me with no adequate preparation. And, certainly, I ventured to promise myself, at the end, nothing more, at the best, than the indulgent consideration of that bare majority by whose unmerited favor I had been placed here.

It could not fail to give me the highest gratification, Gentlemen, to find, as the session advanced, so many of my apprehensions disappointed; to find the elements of strife and discord, which manifestly abounded in the original composition of this body, so rarely set in motion; to find the public business so little interrupted by acrimonious controversy and angry dispute; and, more especially, to find my own official services, so seldom made the subject of party division, or even of personal exception.

Gentlemen, I have not sat here during three successive winters



without learning, that it is always in the power of parties, or even of individuals, to perplex and embarrass a presiding officer in the performance of his duties, if they have the disposition to do so. Let him be ever so able, by frequent appeals from his decisions they may cast a doubt upon his competency. Let him be ever so scrupulous, by repeated insinuations and imputations upon his motives, they may raise a suspicion as to his integrity. Let him be ever so prompt, so patient, so untiring, by constantly cavilling at his course, they may render his position painful to himself, and involve his administration in more or less of popular odium. No length of experience, no degree of diligence, no measure of fidelity, I am persuaded, can arm a Speaker effectually against the persevering assaults of personal malice or partisan malignity. While, on the contrary, in order to render his exertions, in any considerable degree, successful or satisfactory, he must have the confidence of those over whom he presides, and requires a constant exercise of their indulgence, forbearance, and generosity.

It is to such an exercise of generosity, indulgence, and forbearance on your part, Gentlemen, and to the confidence in my official fidelity you have habitually manifested, that I feel myself indebted for whatever success may have attended my efforts during the present winter. Those efforts, I may be pardoned for saying, have been honest, have been arduous, have been unremitted. But I am sensible they must have utterly failed of their object, had they not been seconded and sustained by your confidence and your coöperation. For these, then, even more than for the complimentary tribute you have just been pleased to pay me, I desire to express to you my warmest acknowledgments, and to tender you the assurances of my heartfelt gratitude.

And now, Gentlemen, I cannot resume my seat without congratulating you on the comparatively early period at which we have succeeded in bringing our labors to a close. The session of 1838, the first in which I had the honor to occupy the Chair of the House, did not reach its termination, as some of you may remember, until the 25th day of April. It was, of course, considered a matter for general felicitation last year, that

an adjournment was effected as early as the 10th day of the same month. But we have now the satisfaction of having accomplished a far greater reduction in the length of the legislative term, and of having despatched the business of the Commonwealth in a shorter time than any of our predecessors since the June session was abolished. Sitting here as we do, at an expense of not less than twelve or thirteen hundred dollars a day, all the departments of government included, it is no insignificant affair, in an economical point of view, if in no other, to cut off thirty or forty days from the duration of the session. And should the example which has thus been given, be imitated and improved upon for a few years to come, as I firmly believe it easily may be without any detriment to the public interests, the treasury of the Commonwealth will soon be relieved of a large part of the burden which has borne on it most oppressively for many years past.

Nor is it only to an abbreviation of the session that we may look for the accomplishment of this most desirable result. If the amendment to the Constitution, which was proposed by the last Legislature and ratified by the present by such large majorities in both branches, should be adopted by the people on the first Monday of April next, as I heartily hope it will be, the number of members in this branch of the Legislature, as you are all aware, will be diminished by more than one hundred and fifty, and the daily expenses of the sessions be proportionably reduced.

But, Gentlemen, I will not trespass further on your attention with any dry economical calculations, nor will I detain you with any detailed review of the measures in which we have been engaged. Perhaps the most striking characteristic of the session which is now about to terminate, has been the almost entire omission of any thing like long speeches, and I will not now deviate from a policy which has proved so propitious to an early completion of our duties. Let me only say, in conclusion, that if, in the exercise of authority and the enforcement of order, I have infringed on a single privilege or injured a single feeling, I sincerely regret it, and that every member of the House will carry with him, when we part, my best wishes for his personal health and happiness. May that God who has guarded you all

here—preserving you from the pestilence which has walked among us in darkness, and the sickness that has destroyed at noon-day, and to whose mercy we owe it, that disease and death have not obeyed the summons which seems almost to have been served upon them in behalf of us all, through the medium of this thick and poisonous air which we have been daily inhaling—may He now guide you in safety to your homes. May each one of you enjoy a rich portion of the benefits and blessings of those free institutions which you have been called on to administer, and of those equal laws which you have here assisted in enacting. And may you find an ample reward for the exertions you have made and the services you have rendered, in the approbation of your constituents, in the welfare of the whole people, and in the long-continued prosperity and honor of our beloved Commonwealth.

## THE PROCEEDS OF THE PUBLIC LANDS.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, JULY 2, 1841.

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I HAVE no design, Mr. Chairman, of trespassing at any great length on the time of the Committee. The sin of making a long speech is one which I have never yet committed in this hall, and I certainly shall not suffer myself to be guilty of it at the present session. If I had succeeded in obtaining the floor immediately after the honorable member from South Carolina (Mr. Pickens) had concluded, and before he had left the House, I might have indulged in some comments on one or two parts of his speech. I hardly regret, however, that I failed to do so, as it is quite too warm weather to follow that gentleman far, either in his gloomy forebodings or his eloquent flights. One question which he has propounded, I would not, under any circumstances, have attempted to answer. The gentleman asked, emphatically, "What constitute State rights?" Sir, the true rights of the States are not difficult to be ascertained, and are the same yesterday, to-day, and always. But "State rights," in the partisan sense of the term, seem to me to be one thing to-day, another thing to-morrow, and sometimes nothing at all the next day. At any rate, I have never met with a definition which could stand the test of time and circumstances.

It is not to be disguised, that, at first sight certainly, there are some difficulties about adopting the measure under consideration, at the present moment, even on the part of those who, under other circumstances, would be disposed to support it.

We have been informed by the Secretary of the Treasury, that there is an aggregate of debt and deficit to be provided for in this and the ensuing year of more than twelve millions of dollars. A bill has already been reported, authorizing a public loan to that amount. Another bill may soon be expected to lay new duties on imports, for the purpose of meeting this debt when it shall fall due, and, in the mean time, of supplying the deficiency in the annual revenue. These bills will form a conspicuous part of the legislation of the present session. They will occupy a prominent place on the statute book of the present Congress. And it cannot be denied, that it would look a little strange to find in immediate juxtaposition with them, perhaps on the very next page, a bill granting away, by an outright and absolute donation, the funds which are already on hand, or those which are certain to come into our possession, during such a period of the national necessity.

Yet, strange as such a course of legislation may appear, and much as I foresee it will be harped on, for the purpose of exciting hostility towards those who may have assented to it, I intend to give it my vote. I am desirous, therefore, of vindicating that vote, as well as I can, in advance. I wish, in other words, in the few remarks with which I shall trouble the Committee this morning, to take my stand, where so many other gentlemen who have opposed the bill have taken theirs, at the very doors of the Treasury, and with its deplorable condition of emptiness and exhaustion full in my view, — a condition, let me say, which we Sir, had no hand in creating, — to justify, as far as I am able, my assent to an act, by which we shall seem to be literally “taking away from that which has not, even that which it has.”

For the purpose of this justification, it seems to me essential to maintain, in the first place, that the moneys which are to be distributed by this bill are held by the national government in some different right, and upon some different conditions, from those which we are about to collect. In other words, it is necessary to establish a broad and clear distinction, so far as the constitutional powers and duties of Congress are concerned, between the proceeds of the public lands and the annual receipts from other sources of revenue.

For one, certainly, I could never give my support to this bill, unless I were convinced that such a distinction exists. I could never vote to tax with a view to distribution. If, indeed, such a surplus were again accumulated in the Treasury as we saw there a few years ago, I might be willing to get rid of it in the best way I could, from whatever source it might have been collected; but to impose taxes with one hand, and distribute them with the other, would, in my judgment, be utterly unjustifiable, as well as grossly unconstitutional.

Does, then, such a distinction exist? Do the proceeds of the public lands come into the Treasury under such different circumstances from its ordinary receipts, as to constitute in some sort a special fund?

Gentlemen on the other side say, no. They maintain that when the lands have once been turned into moneys, and those moneys have been placed in the Treasury, they are in no degree distinguishable from the ordinary revenues of the country. And so entirely do they confound the two classes of receipts, as to tell us that, if Congress should pass this distribution bill, all the salutary safeguards thrown around the taxing power by our fathers would be broken down! This was the language of the honorable member from Maine, (Mr. Clifford.)

Now, what under the sun have the proceeds of the public lands to do with the taxing power? Is it a tax, to give a man an acre of the best land on the face of the earth for a dollar and a quarter, and that at his own particular demand? If it be, Sir, it is a tax which the people of this country may well be content to bear. Commend me to such taxes. I desire no safeguards against them. I am willing to submit to such taxation as this, even without representation.

Mr. Chairman, it seems to me that the most cursory examination of the Constitution is sufficient to show that there is no analogy whatever between these different classes of revenue. The power to lay taxes is a power, as we all know, created by the Constitution itself. No such power existed before the Constitution was established. And the exercise of the power is limited by the express letter of the Constitution to certain specified purposes.

"The Congress shall have power (says the Constitution) to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States;"—language, certainly, pretty broad and comprehensive in itself, but which has received a construction limiting it to the objects for which Congress, in other parts of the Constitution, is empowered to provide.

But how is it as to the public lands? The power of Congress over those lands was not originally created by the Constitution. A large portion of those lands was ceded to the General Government prior to the adoption of that instrument. Another portion was ceded soon after its adoption. And a third and fourth portion were purchased at subsequent and separate periods. The Constitution was framed with little or no reference to the lands. In the original draft of that instrument, there was not a line, or a word, or a syllable, in allusion to them. And the only provision which was afterwards inserted by the Convention, or which can be found in relation to them now, is as follows,—

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

And now, what is there, Mr. Chairman, in this provision which makes it incumbent on Congress to appropriate the proceeds of these lands to one purpose rather than to another? What language is there in this clause, or what construction of any language, which gives us the authority to place them in the Treasury for the ordinary expenditures of the government, which does not equally give us the authority to distribute them among the States? Where do we get the power to dispose of the proceeds at all, except as a necessary implication from the power to dispose of the lands? Sir, I put to the Committee this dilemma,—if the power to dispose of the lands does not carry with it the power to dispose of the proceeds, we have no such power; and if it does, then the latter power is coequal and coextensive with the former. And is there any one who sets limits to the power of disposing of the lands? It is too late to do so. We have

already appropriated them to almost every object that can be named, — to education, to internal improvements, to charity, to the use of individuals, of corporations, and of States.

And there is as little, Mr. Chairman, in the reason of the thing as there is in the language of the Constitution, for limiting the disposition of the moneys received from the sales of the public lands. The people may well be jealous of intrusting even their own representatives with the power of taxing them for every purpose at their pleasure. But, as I have already said, the sales of the public lands involve no taxation; they impose no burdens upon anybody. In regard to them, therefore, the people are entirely safe in giving us the full latitude of a sound and reasonable discretion. And such a discretion, I hold, they have given us.

But gentlemen tell us that inasmuch as the distribution of the proceeds of the public lands will involve the necessity of laying additional taxes on imports, it amounts to the same thing as distributing the receipts from taxation. Why, Sir, the same reasoning might almost as well be adduced against appropriating the Smithsonian fund to the object for which it was designed. That fund, if applied to the ordinary expenditures of the government, would save the necessity of raising an equal amount by taxation. And its appropriation to the diffusion of useful knowledge among mankind, according to the terms of the bequest, might, with almost as much justice, be complained of as involving the necessity of imposing additional burdens on the people, as the distribution for which this bill provides; if, as I maintain, the proceeds of the public lands constitute a separate fund in the Treasury, entirely distinguishable from the ordinary revenues of the country.

Again, Sir, it has been suggested that, upon this principle, the national government might do to almost any extent indirectly, that which it is admitted they have no power to do directly. They might tax the people, we are told, to almost any amount for the purchase of new lands, and then go on to sell them forthwith and distribute the proceeds. But it is to be observed, Mr. Chairman, in the first place, that such an abuse would have its origin in the power to purchase, and not in the power to distribute. And the power to purchase new territory, we all know,



is one of very questionable constitutionality. The honorable member from Pennsylvania (Mr. Ingersoll) the other day alluded to my respected colleague in front of me, (Mr. Adams,) as having denied the constitutionality of the Louisiana purchase. My colleague was not alone in that denial. Mr. Jefferson himself, in a letter to Mr. Breckenridge, written at the time, expressly declared that the Executive, in making that purchase, "had done an act beyond the Constitution."

But even were it not so, — even were the power of purchasing territory entirely indisputable and unlimited, what would this suggestion amount to, but to one of those arguments against the use or existence of a power from its liability to abuse, which may be brought alike against any and every branch of authority which the Constitution bestows? Sir, if such arguments are to have weight, we must revoke all authority, renounce all government, abandon all society. Every power may be abused, and the only check or safeguard we can have is in the responsibility of those to whom power is intrusted.

I hold, therefore, Mr. Chairman, that there is a plain and palpable distinction between the proceeds of the public lands and the other receipts into the Treasury of the nation, and that while the latter are limited to certain specified objects of appropriation, the former are placed freely, so far at least as the Constitution is concerned, at the discretion of Congress, — a discretion only controlled by the responsibility of those who exercise it to the people who elected them.

And, indeed, this doctrine has too often been admitted, asserted, and acted upon, even by those who have been the most strenuous opponents of this measure of distribution, to require any more extended illustration. It was expressly asserted by General Jackson, as long ago as 1832. In his Annual Message of that year, he says, —

"As the lands may now be considered as relieved from this pledge (the payment of the public debt,) the object for which they were ceded having been accomplished, it is in the discretion of Congress to dispose of them in such way as best to conduce to the quiet, harmony, and general interest of the American people."

The same doctrine has been admitted, or certainly implied,

by all the friends of cession, as it is called, whether absolute or conditional, from that day to this. For on what principle could Congress cede away the whole or any part of the lands themselves, which does not imply a high and plenary discretion on their part to dispose of the proceeds also?

I turn, then, Mr. Chairman, from this first point in my argument, to inquire what considerations should influence us in the exercise of this discretion, and, more especially, what considerations will justify us in the particular exercise of it which is now proposed.

And, first, I maintain that Congress is not bound in such a case to look altogether to the necessities of the National Treasury. This would be to destroy the whole effect of the distinction just established, and practically to place the proceeds of the public lands on the same footing with any other description of income. We may take a larger and more liberal view of things. We may look, and we ought to look, to considerations of equity, to considerations of expediency, to considerations commensurate with the whole country, or, as General Jackson said, with "the quiet, harmony, and general interest of the American people."

Why, Sir, even in relation to the ordinary revenues of the country, the wants of the government are not always exclusively regarded. What would be the conduct of Congress at the present session in relation to what is called the compromise act, if the necessities of the nation were to be the only rule of action? Under the provisions of that act, five millions of dollars are to be withdrawn from the annual revenues of the country, at a moment when, as I have said, there is already a debt and deficiency of twelve millions. We are about to give a silent assent, by leaving that act in operation and laying new duties at the same time, to a course of proceeding by no means remotely analogous, and to my mind, quite as objectionable, abstractly considered, as that now under discussion. We are about to remit duties with one hand, while we collect them with the other. Upon what principle will this be done? Why, upon the principle of a previous compact, an existing understanding, or a high and eminent expediency. For myself, I take leave to say, I admit no compact. Those whom I have the honor to represent

were not parties to any compact. Nor can I regard it as eminently expedient, either, to pursue such a course. On the contrary, I am disposed to think that, as an abstract question of policy and statesmanship, the best way of supplying the existing deficiency in the Treasury would be to suspend the operation of the compromise act, and lay duties on a few only of the leading articles of import, instead of deranging the operations of the whole business community by a sudden imposition of twenty per cent. *ad valorem* on every article of commerce which is now free, and that as a temporary expedient. But this I well know is out of the question. I allude to the subject only for illustration. The act will be carried out. Duties to the amount of five millions will be taken off, and new duties to the amount of twelve millions will be imposed. And this will be done, as I have said, on some grounds of compact, understanding, or expediency.

Well, Sir, and are there no such grounds for the measure we are now discussing? Is there no compact in the case, no expediency, no equity?

I will not go into an elaborate history of the public lands of the United States to show my understanding of the terms on which the original cession of a large portion of them was made by the States. That history is familiar to the House and to the country. Those terms have been argued again and again, not only in these halls, but in the halls of every Legislature throughout the country. I shall content myself with saying in the most general terms, on this head, that, while I cannot go the length of declaring, that the appropriation of the proceeds of the public lands to the ordinary purposes of government would be an absolute violation of the compact, I have yet no hesitation in affirming that, in my humble judgment, a distribution of those proceeds among the States would be far more in accordance both with the letter and the spirit of that compact.

I am willing to admit, however, that, as to the intention and contemplation of the States at the time these cessions were made, I think very little can be safely or certainly argued. The contemplation of the States could not have reached to a day like this. High as were the hopes, sanguine as were the expecta-

tions, of our fathers at that time, as to the glorious results of the liberty they had achieved and the institutions they had established, it never could have entered into their hearts to conceive of a condition of the country, in which the public debt being all paid off, such countless acres of territory should remain as the rich and unencumbered inheritance of their children. These cessions certainly were made with no regard to such a state of things. They were made with a view to the present, and not to the future. They were made to allay the jealousies and settle the contentions to which the exclusive claims of certain separate States had given rise, and to defray the expenses which their common independence had cost.

The argument in favor of this measure, from the terms of cession, however, covers only the lands which were ceded. I am aware it is sometimes contended that the lands subsequently purchased may be considered as having been purchased with the proceeds of those ceded, and may thus be made subject to the same principle of disposition. But I prefer, for myself, to rely on considerations which are directly and equally applicable to the whole domain.

I come, then, to some explanation of those considerations of eminent expediency, which in my judgment, should induce us to exercise the discretionary authority we unquestionably possess over the proceeds of the public lands in the manner pointed out by the bill;—namely, by distributing them among the States, instead of retaining them to eke out the scanty contents of our own Treasury.

And I have no hesitation in saying, Mr. Chairman, that I find these considerations exclusively in the situation of some of the States of this Union. There is no feature in the condition of the country, lamentable as that condition is in so many respects, which is calculated to excite such serious apprehension for its prosperity and its honor, as the deep indebtedness of so many of the States. Sir, we may not assume their debts, directly or indirectly. We have no constitutional power to do so. But we may do something, and by this bill we should do something, to aid, encourage, and sustain them in their efforts to relieve themselves. And whatever we can do constitutionally, we are

bound to do by every consideration of expediency and of equity, of interest and of honor.

Who is there that desires, or is willing if he can help it, to see the sovereign States of this Union, or any number of them, dishonored before the world, their character lost, their credit ruined, their faith a by-word among the nations? If there be any such man here or elsewhere, he is no true friend to his country's honor. For, Sir, the honor of each individual State in this Union is bound up in the same bundle of life with that of every other, and they constitute together the honor of the nation. It is in vain to say that, if we can only pay our own way, and keep our own head above water, our character is safe. The people of the United States are one people. They rule alike, in State and in nation. They cannot keep their faith and break their faith. They cannot maintain two characters, nor can a stain upon the character of any portion of them fail to cast a reflected stain upon the character of all the rest.

Doubtless, the conduct of many of the States has been rash and reckless in incurring so great liabilities. But who stimulated that rashness? who spurred on that recklessness? It is not my desire to mingle party criminations in this debate, but I cannot help thinking that it is the duty of those who are now in power to remember, in this connection, that these wild investments of State credit in banks and internal improvements were among the most direct and undoubted consequences of that mad spirit of speculation which the wanton experiments of our predecessors originally engendered,—a spirit whose ravages upon the prosperity and welfare of the country it is our high and special commission from the people to repair.

But there is another consideration connected with the origin of these debts which we ought even less to lose sight of. By far the greater part of the liabilities under which so many of the States are now oppressed, were incurred for a national object. Let not gentlemen start when I pronounce internal improvements a national object. I am not going to argue the constitutionality or expediency of undertaking such works by national authority. What I mean to say, and all I mean to say, is, that they exert a most powerful and momentous influence on the na-

tional prosperity and the national permanency. What is there so eminently calculated to bind together this blessed Union of ours in the bonds of mutual friendship and mutual interest, mutual confidence and kindness, as the railroad system? How does it enable us to laugh to scorn the prophecies of dissolution and separation, which are so often founded on our extent of territory? What capacities, of almost indefinite reach, has it not given to our republican machinery? What new elements of democracy has it not introduced into the action of that machinery? James Madison, in the *Federalist*, pronounced the necessary limits of a democracy to be those within which the whole people could meet together conveniently to consult on their own affairs,—and the necessary limits of a republic, those within which the representatives of the people could assemble, as often as it was needful, to attend to the business of their constituents. Sir, railroads are to distance, what representation is to numbers. From what corner of the continent of North America might not the representatives of the people easily and often come together by the agency of this railroad system? Nay, has not the same miraculous agency exhibited the people themselves, during the last year, taking their own business into their own hands, and coming together from places hundreds, and I had almost said thousands, of miles apart, to consult on their common fortunes?

Our fathers, Mr. Chairman, without distinction of party, considered internal improvements, even before railroads were known, as national objects. They differed as to the constitutional power of constructing them. But even those who maintained that such a power did not exist, were of opinion that it ought to exist. Hear what Thomas Jefferson himself said on this subject, in his last message of his last term, when he was parting from public life forever, and had no longer any ambitious objects to subserve,—a passage to which I beg the attention of the Committee, as proving not only that Jefferson was in favor of internal improvements at that period of his life, but of accumulating even a surplus revenue to pay for them :

“ The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unpro-

ductive in the public vaults? Shall the revenue be reduced? Or, shall it not rather be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States?"

This was the language of Mr. Jefferson in 1808. He may have changed his opinions at a later day, but these were the opinions which he expressed in his last official declaration to the country. The same sentiments may be found even more fully developed in one of his previous messages. The same sentiments were more than once expressed by Mr. Monroe. And we all know what were the opinions of my honored colleague in front of me (Mr. J. Q. Adams.) Had his views been sustained by the country, it may be safely said that the States would have had far less occasion to involve themselves in debt for works of this sort. But, Sir, the day for any regret on that score is past. I only desired to remind the Committee that it was mainly for these objects of internal improvement, — thus by the united testimony of our fathers, and thus tenfold more by our own experience of agencies invented since they went down to their graves, objects of national concern, — that it was for these that the great burden of State liabilities had been contracted. Unquestionably the States have prosecuted these works too extensively. Unquestionably many of the works they have constructed are greatly in advance of the public wants. Led away, in part, by the seductive influence of government experiments, they were hurried along still more by the admiration and excitement which the extraordinary inventions of our day could not but occasion. They caught something of the impetus of the marvellous enginery they were constructing. They did not learn soon enough the use of the brakes, or were too much excited to hold them hard enough down; and they have thus been borne along to the very brink of their own ruin. But it was in a noble cause, and one which, though it has involved them in embarrassments, has contributed incalculably to the prosperity and permanency of the Union.

And here, Mr. Chairman, I must be allowed to allude to an imputation upon the Northern and Eastern members of this

House, which fell originally, I think, from the honorable member from Maine, (Mr. Clifford,) but which was repeated by the honorable member from Georgia, (Mr. Alford.) It was this, — that we were in favor of the measure on your table only as the basis, or entering wedge, I believe it was called, of a protective tariff. The same charge was made against us a day or two ago from another quarter, when we voted for the paltry sum of twenty-five thousand dollars for the relief of the widow of the lamented Harrison. There was something more of absurdity in the latter charge than in the former, but there was no more of injustice. Sir, I shall never disclaim the character of being a friend to the American System, nor ever fail to give my vote or voice in its behalf, whenever an opportunity occurs. But I spurn the imputation that any opinions on this subject are the source of my support to the present bill. It would be easy, if I were disposed to indulge in retorts or recriminations, to charge upon gentlemen who oppose this bill, that the principles on which they condemn it are only the cover for their hostility to every thing like a custom-house duty. But I will make no charges of any sort. It is enough for me to deny for myself and my northern colleagues, that there is any thing selfish or sectional in our support of this measure. Sir, if there be any thing sectional, it is not our own section that we regard in this matter. It is for Georgia we feel, if she has contracted any debts which she finds it difficult to discharge. It is for Mississippi, and Alabama, and Illinois, and Indiana, and Ohio, and Maryland, and Pennsylvania. As for New England, there are but five millions of State debts among all six of her States, and four millions and a half of those are the debts of Massachusetts. And let me assure the House I do not plead for Massachusetts in this business. She would not thank me for asking aid from any quarter in redeeming her liabilities. Her stock has, from the beginning, stood second to none on the foreign Exchange, and second to none it will stand to the end. The character of her roads is an ample guaranty of her bonds. But her credit rests on something higher than the profits of her travel or the income of her treasury. The industry of her people is the indorser of her paper; — an industry, the manufacturing branch of which alone has been proved



to yield a product of almost ninety millions of dollars in a single year, and which would be ready, I will warrant, to respond in the full amount of its hard but honest earnings, rather than the credit of the Commonwealth should be called in question for a moment.

It is no mere figure of speech, Mr. Chairman, to say that the industry of the population of Massachusetts is the indorser of her bonds. I remember well to have heard my honored friend, the Secretary of State, say, on some public occasion, that, happening to show to an English gentleman of fortune, during his late visit to the mother country, a copy of the statistical tables which exhibited the enormous annual product of Massachusetts labor, the inquiry was instantly made — has she any stock in the market? — which, being answered in the affirmative, was forthwith followed by an investment in her stock of some fifty or sixty thousand dollars, or, it may have been, pounds.

Indeed, Sir, I may say, not only as to this, but as to all the other great measures of reform which are proposed for our consideration at the present session, that no part of the country is more independent than New England, and no State more so than Massachusetts. Whether you look to the Distribution Act, or the Bank Act, or the Bankrupt Act, which constitute, perhaps, the *trinoda necessitas* of the times, Massachusetts can afford to be as indifferent as any State in the Union. She needs no proceeds of land sales to prop her credit. She needs no National Bank to render her own currency sound and uniform. While, as to the bankrupt law, her main interest in that, is the interest of a creditor, anxious that her debtors in the South and West should have a chance to wipe off their old scores even at great loss to herself, in order that they may once more resume their relations as customers, and give her an opportunity to trade with them and trust them again.

And even as to the tariff itself, I am inclined to think she can hold out without murmuring, under a reduction of duties, at least as long as the iron workers of Pennsylvania, or the wheat growers of New York, or the tobacco planters of Virginia and Maryland. Nor does she desire, as I believe, the adoption of any measure on the subject, but such as may seem necessary, in

a broad, comprehensive, national view, and after a due investigation of the facts, to protect the common interests of all branches of American industry, against the unequal competition of foreign labor, or the injurious influence of foreign legislation.

But there are other States in the Union with far heavier loads upon their backs, and, perhaps, a good deal less able to bear them. And though this bill may not give them all they require, it will afford them unquestionably a most welcome relief. As was justly remarked by the President, in his late message, "with States laboring under no extreme pressure from debt, the fund which they would derive from this source would enable them to improve their condition in an eminent degree." "With the debtor States, it would effect relief to a great extent of the citizens from a heavy burden of direct taxation which presses with severity on the laboring classes, and eminently assist in restoring the general prosperity. An immediate advance would take place in the price of the State securities, and the attitude of the States would become once more, as it ever should be, lofty and erect."

And now let me protest once more against being charged with advocating either a direct or indirect assumption of the State debts. And in aid of that protest, let me summon up a single fact from the most familiar history of the past. I mean the fact that this same measure of distribution was not only proposed, but passed by a majority of both branches of Congress, before one dollar of State debt was contracted. General Jackson's veto arrested it. There can be no pretence, then, that this measure was devised with any reference to State debts. The most that can be said is,—and that I fearlessly avow,—that we are impelled by the existence and pressure of those debts, to make another and a stronger effort to carry through and consummate a scheme, which we had long before approved and advocated.

Mr. Chairman, these are the views, briefly and imperfectly expressed, which, in my own mind, outweigh all considerations of the necessities of our own Treasury, and compel me to vote for this bill. The necessities of the Treasury can be supplied from other sources. The nation is not yet in such a beggarly condi-

tion as gentlemen would have us think. True, Sir, the revenues of the country have been most extravagantly and wastefully dealt with, for some years past. Our cash on hand has all been expended, and our credit largely drawn upon. But we have inexhaustible resources still left, and a generous and patriotic people to sustain us in putting them in requisition. It will be time enough to discuss this question, however, when the Revenue Bill comes up. I will only say now, in reply to calculations and estimates which have been made on the other side, that, — from the best information I can obtain, from those accustomed to examine into such matters in the mercantile community which I have the honor to represent, — an additional revenue of many millions of dollars might be raised by a twenty per cent. *ad valorem* duty on a home valuation of three articles only, which are now on the free list, — I mean silks, stuff-goods, and linens.

One idea more, Mr. Chairman, and I will conclude. Sir, I maintain that this, after all, is not a question between distributing the proceeds of the public lands among the States, and retaining them honestly and permanently in the Treasury. Gentlemen hold up to the House and to the country a false issue in presenting the question in that form. Have they forgotten that there is such a word as *cession* in the dictionary, or, as my colleague in front of me said the other day, on another subject, are their "lips forbid to name that once familiar word?" I do not mean *s-e-s-session*. We have heard enough about extra sessions, and extraordinary sessions, and the extraordinary doings of extraordinary sessions. Honorable members all round the House have rung these changes to our heart's content. I mean *c-e-s-cession*. Have gentlemen forgotten that General Jackson himself proposed in his first message to Congress, that "the public lands should cease as soon as practicable to be a source of revenue," and that the proposition was approved and sustained by the great mass of his friends and followers? Have they forgotten that a plan for ceding the lands to the States in which they lie, — a measure which, if commenced in favor of the existing States, must in all equity be carried out as fast as new States are formed, and which would thus ultimately cover the whole public domain, — was devised not a hundred years ago, and not

a thousand miles from South Carolina itself?—A plan for giving up outright one half of the proceeds, and leaving us, as I think, little or no hope of ever seeing any thing of the other half. It does not lie, Mr. Chairman, with gentlemen who have advanced or sustained such schemes as these, to charge the friends of distribution with abstracting the revenues or robbing the exchequer.

I will not detain the Committee by going into any examination of this project of cession. Let me only say, that all that is just and reasonable I shall always be willing, so far as my vote is concerned, to yield to the new States. I rejoice in the rapidity of their advancement, even although, in the scale of national importance, the law of their increase is the law of our decrease. I welcome their Representatives as they come, thronging in augmented numbers, under a new apportionment, to occupy this hall, even though it should be to push some of us from our stools. It gave me a thrill of pleasure and of pride not often experienced, when an honorable Senator from Indiana (Mr. Smith) told me the other day in conversation that, after careful examination, he believed that no one measure which had ever been passed by Congress for the benefit of the new States, could have been carried through without the votes of Massachusetts. I hope they may never ask for those votes in vain. For one, I will not cavil about the ten per cent. allowed them in this bill. I do not begrudge them the half million of acres which it proposes to make up to them. I go cheerfully even for the preëmption clause. But I believe the contemplated cession would be a fatal dowry to them, as well as a measure full of injustice to us. Between that, therefore, and distribution, which I consider the real question at stake, I cannot hesitate a moment.

## THE POLICY OF DISCRIMINATING DUTIES.

A SPEECH IN FAVOR OF MR. FILLMORE'S RESOLUTION, TO REFER THAT PART OF THE PRESIDENT'S MESSAGE RELATING TO THE TARIFF TO THE COMMITTEE ON MANUFACTURES, DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, DECEMBER 30, 1841.

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I HAVE been hoping, from day to day, and from hour to hour, Mr. Speaker, that this debate would be brought to a close, and have more than once repressed a strong disposition to address the House, from a reluctance to render myself in any degree responsible for prolonging a discussion, which seems to me so exceedingly unreasonable and unprofitable; but as the House has exhibited a purpose to allow it to run on without let or limitation, at least until after the holydays, I have determined to deny myself no longer.

I have no intention, however, to go into a general discussion of the policy of a protecting tariff. If I had succeeded in getting the floor this day last week, when I made three or four unsuccessful efforts to obtain it, I might have been tempted to do so. But my honorable friend and colleague, (Mr. Hudson,) who addressed the House a few days ago, has anticipated me in so many of the views I had intended to present, as to leave me very little material for such a discussion. And he has presented those views, let me add, with so much fulness and so much force, as to afford no apology whatever for repeating them. I can but follow as a gleaner, therefore, in a field which has been most effectively reaped, and can only hope to offer some additional facts and illustrations on points which have already been most ably enforced. And even this, Sir, I should have had much

hesitation at attempting, but for the remarks of the honorable member from Georgia, (Mr. Meriwether,) who has just taken his seat, and who, in the course of a very able speech, has advanced some ideas which ought not to be passed over in silence.

Before proceeding to notice them, however, I desire to make one or two preliminary observations. And in the first place, Sir, I freely acknowledge that, in my judgment, something more of importance has been attached to the precise issue before us than really belongs to it. As a question of parliamentary propriety, indeed, it is by no means unworthy of consideration. This House, in its organization, has adopted the principle of a division of labor. It has distributed its members into twenty or thirty different committees, with reference to the twenty or thirty distinct subjects into which the business of the nation has been arranged. Among these is a Committee of Manufactures. It is in vain for gentlemen to say that there ought to be no such committee. It actually exists. And in reply to a suggestion thrown out the other day, that the Southern members of the House must have been asleep—must have been caught napping—when such a committee was constituted, let me say, that the motion upon which the Committee of Manufactures was separated from the Committee of Commerce in 1819, and received a distinct existence, was made by a Southern member. Mr. Peter Little, a representative from Maryland, was the author of the motion; and, for aught which appears on the journals, it was adopted entirely without opposition. And now I see not, for my life, what subject this committee can fairly claim as its own, if not this very one of discriminating, in the imposition of duties, with reference to our manufacturing interests. What, let me ask, is my honorable colleague, (Mr. Saltonstall,) at the head of that committee, and what are his eight associates to do, in fulfilment of the purposes of their appointment, if not to deal with this precise question? To deny it to them is virtually to proscribe them, and put them in Coventry for the session, so far as their relations as a committee are concerned. Why, Sir, my honorable colleague, I know, comes, emphatically, from a city of peace, (Salem,) and we Northern men are none of us eager to take offence at any thing which is said or done in this House. But

I honestly believe that, were some of the gentlemen who have taken part in this discussion at the head of the Committee on Manufactures, they would be disposed to regard it as a matter of personal indignity, to be thus unceremoniously deprived of the due honors and just responsibilities of the station, to which they had been fairly assigned.

Let me repeat, however, Mr. Speaker, that, apart from this point of parliamentary propriety and personal justice, I regard the question of reference as one of but little practical importance. Certainly, the idea which seems to be entertained in some quarters, that the whole subject of a protecting tariff,—its constitutionality, its necessity, its propriety, its policy,—is to be disposed of forever, or even for the session, by a decision of the question, whether a few somewhat equivocal paragraphs in a President's message shall be referred to nine gentlemen associated under the denomination of a Committee of Ways and Means, or to nine other gentlemen who have been designated as a Committee of Manufactures, is altogether preposterous. The subject, depend upon it, Sir, will not be found of so easy an adjustment. You may refer these paragraphs of the message to what committee you please, and with what instructions you please; you may refuse to refer any matter whatever to the Committee of Manufactures; you may adopt the suggestion of a gentleman from Virginia, over the way, (Mr. Smith,) and abolish that committee forthwith, but still the subject will be agitated among the people, and still it will be forced upon the consideration of the representatives of the people. The voice of American labor cannot be so easily hushed off; it will make itself heard in this House, and sooner or later it will make itself heeded. Why, Sir, since we have been debating this question, a convention of iron manufacturers has been held in the city of New York, and they have adopted a memorial to Congress, setting forth their condition and their claims. Other conventions will be held by other classes of mechanics and artisans, and other memorials adopted. What will you do with them? Lay them on the table, as you did at the last session? Reject them outright? Adopt another 21st rule? Declare that no petition which contains this odious term, protection, shall be received,

considered, or entertained, in any way whatsoever? No, Sir, you must receive them, you must refer them, you must act upon them.

There is another remark which I desire to make, by way of preamble. I have very little fear, Mr. Speaker, but that the industry of the country is about to receive, at an early day, some considerable amount of fresh incidental protection, come to what conclusions you may upon these abstract questions of power and of policy; and that, Sir, from the mere necessity of the case. I had almost said, I defy you to carry on the government without involving such a result. Who imagines that this government can be supported on the scale now proposed, or, indeed, upon any scale, unless it be one of degradation and bankruptcy, under your existing revenue system? Who dreams, more especially, that these magnificent projects of reform which have recently emanated from the various departments of the administration; the increase of the navy; the building of these steam frigates and sloops of war; the establishment of these naval schools at home, and these naval posts abroad; the endowment of these private mercantile steam-packet corporations; the trebling of the marine corps; the addition of new regiments to your army; the improvement of harbors; the completion of fortifications; the establishment of founderies; the extension of a chain of military posts from Council Bluffs to the Pacific; the purchase of a right of way for the national mail over the various railroads along its route;—who dreams, I say, that all or any of these truly noble, truly national projects, so many of which have commended themselves at first sight to the approbation and admiration of a patriotic people, can—I do not say, be carried through, for nobody supposes that they are to be completed in a day but—be commenced, be initiated, be put on the way to a gradual and economical accomplishment, without greater resources than will be afforded under the final operation of the compromise act? Nobody, I am sure. Where, then, will you look for additional resources? To loans and treasury notes? That will be looking to the means of postponement, not to the means of payment. To duties on tea and coffee? Party competition, the struggle of political leaders to outrun each other in a scrub-race for a



little momentary popularity, has put an end, for the present at least, I imagine, to all hopes of obtaining revenue from that source, even were there a willingness to resort to it upon other considerations. Do you look to the proceeds of the public lands? I do not believe, Sir, that there is a majority in this House ready to repeal so soon the great measure of the last session, by which those proceeds were distributed, and to wrench the proffered cup of relief from the States, in this hour of their utmost agony, and before they have tasted one cordial draught. But even should this be done, your revenues would still be insufficient. Upon what, then, can you rely for increasing them? Does any one propose a resort to direct taxation? More than one of the minority in this House have expressed their approbation of such a course, and enlogized the equality and democracy of its operation. I do not find, however, that anybody expects to live to see the day when it will be adopted. There is, then, but one mode left. You must increase your resources by raising the duties on imposts. And when you do this, notwithstanding the confident declaration of the gentleman from South Carolina, (Mr. Rhett,) that revenue and protection are utterly incompatible, and that where one begins the other ends, I have little fear but that the industry of the country will receive some share of the advantage.

And now, Mr. Speaker, in turning to a consideration of that protecting policy which has been so long the subject of discussion, I am met at the threshold by the declaration of the honorable member from Georgia yesterday, that he and his constituents, as Southern men, do not oppose these discriminating duties merely because they would affect their own interests; that they do not plant themselves on the mere pecuniary question; but that they take higher ground,—that they stand on the Constitution. I am not, however, about to enter into an elaborate argument on this question of constitutionality. The whole history of the adoption of the Constitution; the condition of the country at the time of its adoption; the debates of the Federal Convention which framed, and of the popular conventions which ratified it; the petitions, resolutions, and proceedings of the people in all parts of the country, both immediately before and immediately

after its adoption, and particularly of the manufacturing and mechanical classes of the people,—from Paul Pritchard, the shipwright, of Charleston, South Carolina, whose petition stands on the first page of one of the first volumes of our American State Papers, to Paul Revere, the coppersmith, of Boston, Massachusetts, who preached, if he did not pray, to the same effect;—the debates and enactments of the first Congress, too, in immediate response to these petitions of the people; all these, Sir, to say nothing of the whole history of legislation since, constitute a chain of evidence on this point so close and so complete, that, for one, I am entirely unwilling to give sanction to the idea that it is an open question, by arguing it further. It seems to me, I confess, that the gentleman from Georgia quite too literally stands upon the Constitution, and tramples its true intent beneath his feet, in the doctrine for which he contends.

If the honorable gentleman, however, really desires to run a tilt and break a lance upon this part of the subject, let me refer him to the opinion of Mr. Madison. Not, Sir, to any mere *obiter dictum* in a Presidential message, but to a detailed and elaborate argument, contained in a letter devoted to the subject, and written to Mr. Cabell, of Virginia, in September, 1828. As this document has not been alluded to in the course of the debate, I beg leave to present to the House a brief abstract of it, which I have hastily prepared.

Mr. Madison proposes, in this letter, to give the grounds of the “confident opinion” which he had previously expressed in conversation, “of the constitutionality of the power in Congress to impose a tariff for the encouragement of manufactures.”

He derives this power from the authority expressly given to Congress “to regulate trade with foreign nations;” and, after some introductory remarks as to the meaning of the term, “regulation of trade,” as contended for by our fathers in their controversies with the mother country, he states the subject which he is about to argue in these explicit terms,—“It is a simple question, under the Constitution of the United States, whether the power to regulate trade with foreign nations, as a distinct and substantive item in the enumerated powers, embraces the object of encouraging, by duties, restrictions, and prohibitions,

the manufactures and products of the country." And he then proceeds to argue that "the affirmative must be inferred" from the eight following considerations, upon each of which he dwells at more or less length:—

1. The meaning of the phrase "to regulate trade" must be sought in the objects to which the power was generally understood to be applicable, when it was inserted in the Constitution.

2. The power has been understood and used by all commercial and manufacturing nations, without exception, as embracing the object of encouraging manufactures.

3. This has been particularly the case with Great Britain, whose commercial vocabulary is the parent of ours.

4. Such was understood to be a proper use of the power by the States most prepared for manufacturing industry, whilst retaining the power over their foreign trade.

5. Such a use of the power by Congress accords with the intention and expectation of the States, in transferring the power over trade from themselves to the Government of the United States.

6. If Congress have not the power, it is annihilated for the nation; a policy without example in any other nation.

7. If revenue be the sole object of legitimate impost, and the encouragement of domestic articles be not within the power of regulating trade, it would follow that no monopolizing or unequal regulations of foreign nations could be counteracted; that neither the staple articles of subsistence, nor the essential implements of the public safety, could be insured or fostered at home; and that American navigation must be at once abandoned or speedily destroyed.

8. That the encouragement of manufactures was an object of the power to regulate trade, is proved by the use made of the power for that object in the first session of the first Congress, under the Constitution, when among the members present were so many who had been members of the Federal Convention which framed the Constitution, and of the State Conventions which ratified it; each of these classes consisting, also, of members who had opposed, and who had espoused, the Constitution in its actual form, by no one of whom was that power denied.

And here Mr. Madison proceeds to mention that several Virginia members, of the anti-federal as well as federal party, proposed not only duties, but prohibitions, in favor of several articles of Virginia production; one, for instance, a duty on foreign coal; another, a duty on foreign hemp; and a third, a prohibition on foreign beef.

Such, Mr. Speaker, is the elaborate argument of one who has often been called the Father of the Constitution. I need not detain the House by pointing out how perfect an answer it contains to the argument of the gentleman from Georgia yesterday, and how completely it scatters into thin air all the distinctions and differences which he has attempted to set up this morning. Let me only say that, when the constitutionality of the protecting system is assailed, I, for one, desire nothing better to hold up in its defence than this true old Virginia shield; fabricated, let me add, upon the same old Virginia forge which gave shape and substance to the celebrated resolutions of '98.

But my excellent friend from North Carolina, (Mr. Rayner,) some days ago, seemed disposed to escape from the force of these old opinions and these historical arguments, by declaring that we lived under a new dispensation. A new dispensation, Sir! By whom was it delivered? By whom has it been sanctioned? Was it the work of the people, or of the States? Who was its high-priest? *Quibus indiciis* — upon what evidence does it rest, and by what signs has it been attested? Where does he find the terms of it? In the South Carolina ordinance, or in that notorious epistle of Mr. Van Buren to the citizens of Scott County, Kentucky, in which he told us that, after a departure of half a century, our Government had been brought back, by a single signature of his own, to the true spirit of the Constitution? My honorable friend, I am sure, will look to no such documents as these for his authority. And he must pardon me if, in default of some better evidence of its genuineness and authenticity than has yet been adduced, I pronounce this new dispensation of his altogether apocryphal.

But perhaps the gentleman referred to the compromise act. Why, Sir, the compromise act, as I maintain, abandons the whole idea of the unconstitutionality of a protecting system.

That act, by the express admission of all the parties to it, provides for protecting duties below the maximum of 20 per cent. And in what clause of the Constitution is it found written, that protection below 20 per cent. is any more legitimate than protection above 20 per cent. ?

I cannot part from this point of the subject, Mr. Speaker, without alluding to a remark made by the honorable member from South Carolina, (Mr. Rhett,) the other day, that Mr. Appleton and Mr. Lawrence, of Boston, were once foremost in denying the constitutionality of duties for protection, and that Mr. Webster had argued to the same effect, even in old Faneuil Hall itself. Sir, if these distinguished gentlemen, all of them my predecessors in the seat which I have the honor to hold, have been guilty of any such inconsistency of opinion,—if these Northern stars have, at any time, been seen shooting thus wildly across the sky, and exhibiting themselves in the very opposite quarter of the heavens from that in which they first attracted the eye of the observer, they have at least not been without example in this irregular motion. There are Southern luminaries, which might be named, which have manifested far more of this wandering, planetary character, which have shot far more madly from the spheres which they once adorned, and whose orbits, to this day, defy the utmost power of politico-astronomical calculation. But I take issue with the gentleman as to the fact. A large part of the people of Boston, undoubtedly, were at one time strongly opposed to a protecting tariff. Their interests were, and are still, greatly commercial. And some of them, in the belief that their commercial interests were about to be injuriously affected by a system of discriminating duties—a belief, let me add, which very few of them, as I think, now entertain—expressed themselves warmly and strongly against their imposition, by resolutions and otherwise, in Faneuil Hall and elsewhere. But that Mr. Lawrence or Mr. Appleton ever disputed the constitutional authority of Congress to impose such duties, I know of no evidence whatever, while Mr. Webster expressly denied the correctness of this allegation in regard to himself, in his memorable reply to General Hayne.

And here, Sir, let me turn to another point in the case. An

attempt has been made, in the course of this debate, to give to this tariff question the shape of a controversy between New England and the other parts of the Union. Indeed, it has been always a favorite policy with the opponents of the protecting system, to hold it up to odium as a mere New England, and sometimes even as a mere Massachusetts, interest. The honorable gentleman from South Carolina, especially, spoke most emphatically of the insatiate importunity of the Eastern manufacturers on this subject. Not satisfied, he told us, with the protection they obtained in 1816, they came again in 1824; they came again in 1828; they came again in 1832; and he represented them as coming still, and, like the daughters of the horseleech, crying always, give! give! Sir, my honorable colleague, (Mr. Hudson,) has already well said that there are other and many other States quite as much interested in this question as the New England States. New England labor, depend upon it, can earn a living under any system which will suit the labor of the Middle and Western States. If they can do without protection, we can. If they are ready to surrender the principle of discrimination, we are ready. And we shall see who will hold out longest, and who will cry out first. But what is the historical fact in relation to the tariffs of '16 and '24, and '28 and '32? How does the record bear out the assertion that these were the results of New England importunity and greediness? Here, Sir, is a tabular statement exhibiting the votes of the different States by which these various bills were carried through the House of Representatives. Let us see how it runs:

## TARIFF OF 1816.

	Yeas.	Nays.	Absent.
New England	16	10	16
Middle States	44	10	13
Western States	14	3	5
Southern States	14	31	7

## TARIFF OF 1828.

	Yeas.	Nays.	Absent.
New England	15	24	0
Middle States	57	11	8
Western States	29	10	1
Southern States	3	50	5

## TARIFF OF 1824.

	Yeas.	Nays.	Absent.
New England	15	23	1
Middle States	60	15	1
Western States	31	7	2
Southern States	1	57	0

## TARIFF OF 1832.

	Yeas.	Nays.	Absent.
New England	17	17	5
Middle States	52	18	6
Western States	36	3	1
Southern States	27	27	4

Here, too, is another table exhibiting the votes of Massachusetts alone on these several occasions :

	Yeas.	Nays.	Absent.		Yeas.	Nays.	Absent.
Tariff of 1816	7	4	9	Tariff of 1828	2	11	0
1824	1	11	1	1832	4	8	1

And thus falls to the ground the whole charge of the gentleman from South Carolina against New England monopolists and extortioners ! Thus we see that in favor of not one of these four tariffs was there a majority either of the New England or of the Massachusetts delegation ! Of the tariff of 1816 we all know something of the parentage. Its principal authors and advocates are understood to have been Mr. Lowndes and Mr. Calhoun of South Carolina ; and I have more than once heard, from those whose authority can hardly be questioned, that the friends of this measure in Massachusetts endeavored to exert an influence upon at least one of these gentlemen, (Mr. Lowndes,) to prevent him from overdoing the matter, and pushing his protective policy too far. We see, too, in these tables, by whose votes all these successive measures were sustained. They were, emphatically, the measures of the Middle and Western States ; and whatever benefit New England has received from them, has been received in spite of her own votes.

But the honorable gentleman from Georgia (Mr. Meriwether) has undertaken to prove that the Middle and Western States have no interest at all in this protecting system. He has told us that the South furnishes the best market for the grazing and grain-growing States. He has given us a graphic description of the great droves and herds of cattle, mules, and swine, which he has seen "on their winding way" from the West to the South, the like of which, he thinks, were never beheld in New England. And he has proceeded to argue from all this, that the true interest of the Middle and Western States is to unite with the South in opposition to discriminating duties.

Now, in the first place, Mr. Speaker, I am glad to hear a Southern gentleman thus frankly admit, that the South is not independent of all the world beside, or even of all the rest of the Union, for its supplies ; and that something beside the fertility of its own lands, and the labor of its own negroes, enters into the

production of its annual crop. It is true that the Middle and Western States furnish the South with vast quantities of indispensable stores and stock. The Yankees, also, let it not be forgotten, send her "a heap of notions;" supplying her not only with much of her clothing and many of her implements, but with ships to transport her great staple to a market. The exports of the country are thus not altogether of Southern production. The North, the Middle, and the West, it appears, lend a hand in raising that much-vaunted cotton crop. Even if the famous forty-bale theory were true, therefore, and the duties on imports were a burden only on the producer of the exports, the South alone would not be oppressed, but the other parts of the Union would bear a share of the burden.

But, again, sir, admitting it to be true that the South furnishes the best market for the produce of the grain-growing States, how does it follow that it is therefore the interest of these States to join with the South in opposing a protective tariff? Why, such an inference is a plain *petitio principii*—a begging of the whole question at issue. It takes for granted that it is the interest of the South to oppose protection. It takes for granted that the Southern theory is correct, and that the power of the South to raise cotton, and to dispose of it to advantage when raised, and to purchase and pay for the products of the Middle and Western States with the proceeds, is in some way diminished or impaired by the encouragement of domestic manufactures.

Now, the gentleman well knows that this is a theory which the friends of protection utterly dispute and deny. They maintain, in precise contradiction to all this, that the establishment of American cotton mills, under a system of discriminating duties, not only leaves the power of producing the raw material at the South entirely unimpaired, but encourages the extension of that production, creates a new market for it at home, and insures it a readier and a more certain sale, and at an enhanced price. And they maintain that this has actually been the result of such a system as long as it has existed.

Sir, I confess I was not a little astonished to hear the gentleman from Georgia place so light an estimate on the home market which has been already created for cotton. Does the gentleman



forget that, if that cloud, no bigger than a man's hand, which has so long been visible, instead of sinking below the horizon again, as I heartily hope it soon will, should come up, as gentlemen are so fond of predicting it will, and overspread the sky, and bring down upon us the pitiless storm of war, this home market would be the only market for that great staple? But, without dwelling on its importance in case of war, is it really so insignificant and contemptible as the gentleman has pronounced it, in time of peace? The consumption of cotton in the United States has already reached the amount of one hundred and ten millions of pounds per annum,—an amount greater than that which this country has exported to France until the last year, and within fifteen or twenty millions of pounds as large as the whole French consumption; an amount equal to one third of our average export of cotton to Great Britain, and to about one fourth of the entire British consumption; an amount as great as was consumed in Great Britain at the date of the tariff of 1816; an amount equal to the whole cotton crop of the United States in 1821, about the time the first cotton factory was erected at Lowell; and more than one sixth part of the average crop at this day.

Nor is the influence of the home market, if I have heard aright, confined to the amount of its direct purchases. It has been often stated, both in public and private, and never to my knowledge denied, that the agents of the Eastern factories come into the market early, and buy the first part of the crop, and do much towards fixing a price, and a high price, for the whole. The value of this influence of the Eastern demand has sometimes been rated as high as from one to two cents a pound, which, in the whole six or seven hundred millions of pounds, would amount to from six to twelve or thirteen millions of dollars.

And this is the market which the honorable gentleman from Georgia is perfectly willing to part with! It is the foreign market, and the foreign market only, that he cares to keep. Why, one would really think, from his remarks, that cotton was good for nothing except to export; that it underwent some mysterious and magical sea-change on its passage across the Atlantic, which imparted to it all its value; or that it was only in the hands of foreigners that it could be wrought up into any thing which

would pay for its production ; and that all that remained on this side the ocean, or was worked up by American labor, was so much thrown away and sacrificed !

And what, let me ask, — what is the ground of that confident reliance which the gentleman seems to place on the stability and certainty of the foreign market ? Does he find it in the earnest and ardent exertions in which Great Britain is at this moment engaged, to supply herself with this great staple from her own colonies ? Is the gentleman, is the South, aware of the success with which those efforts have thus far been crowned ? Does he not know that a new and indomitable impulse has been given to them by that abolition spirit which is agitating the British mind so deeply ? Southern gentlemen seem to have been very sharp-eyed in describing the direct dangers in which that spirit may involve their peculiar institutions in case of war. We all observe a mighty new-born zeal in certain quarters in favor of the navy. Not a word about gunboats in these days ! The South is quite ready now to unite with the North in establishing home squadrons, and building steam frigates and sloops of war, to defend themselves against the possible incursions of certain black regiments in the West Indies. I rejoice that it is so. I rejoice that any thing has brought about so signal a revolution of opinion in favor of the navy. I rejoice that we are no longer disposed to let the sovereignty of the seas rest undisputed in the hands of any single power ; that we will no longer recognize the supremacy of any Ocean Queen, holding imperial sway “of every salt flood and each ebbing stream,” and only giving leave to other Powers —

“ To wear their sapphire crowns,  
And wield their little tridents.”

But do Southern gentlemen see no danger in the progress of that British abolition movement, in time of peace, towards what has been called a rescue of the British conscience from the pains and penalties of aiding and abetting the American slave system, by the patronage and purchase of its products ? What are the facts as to the increased importation of cotton from the East Indies into Great Britain ? The receipts of cotton from the back

country into Bombay, between June, 1840, and June, 1841, are stated to have been 478,606 bales, of 325 pounds each — more than the whole crop of the United States in 1826. Again, the consumption of American cotton in England, in the year 1816, averaged 4,036 bales per week, and the consumption of East India cotton in the same year averaged 207 bales per week; while in 1839 the consumption of American cotton had increased to 15,644 bales, and of East India cotton to 2,142 bales per week, — the latter having increased more than tenfold, while the former had increased less than fourfold.

Nor let gentlemen imagine that the market of the United States is so absolutely essential to Great Britain for disposing of her printed fabrics, that she will be unwilling to take the risk of losing it. We take from her only about twenty-one millions of yards of these goods per annum, while her whole export has averaged, for three years past, more than three hundred and five millions of yards. She has a dozen better customers than us. The West Indies take more than twice as much, the Brazils and South American States nearly four times as much, as we take, of this most important branch of her manufactures.

Mr. Speaker, I know that the idea that American cotton should ever cease to be sought after, and readily salable, in any and every market on the face of the globe, will not easily be entertained by a Southern mind. Gentlemen of the Southern States seem to imagine that the very thread of the destiny of this nation is a thread of cotton. They speak as if our political Fates — the Clotho, Lachesis, and Atropos of our republic — had nothing else to spin, weave, and cut, but a cotton thread. The destiny of the Southern States may, perhaps, have no other ingredient in its composition; and, if so, Heaven forbid that the staple should be shortened or the fibre weakened! But have there been no revolutions of trade, even in our own land, and within the memory of those now living, which should teach them less presumption on this point? Where is that indigo crop of theirs, which, fifty or sixty years ago, supplied the markets of the world? — That crop, which, the historian of South Carolina tells us, proved more beneficial to Carolina than the mines of Mexico or Peru to Old or New Spain? Where is it now? Not only

is there scarce a pound of indigo exported, but there is, probably, scarce a plant of it grown for any thing but curiosity, in any part of the Union. It has given place to the cultivation of cotton. But under what circumstances did it give place? Let me read you the history of this occurrence in a little paragraph from McCulloch's Commercial Dictionary, which was made the subject of a very striking article in one of the newspapers of my own city a day or two since:—

“For the first twenty years after the English became masters of Bengal, the culture and manufacture of indigo, now of such importance, was unknown as a branch of British industry, and the exports were but trifling. The European markets were, at this period, principally supplied from America. In 1783, however, the attention of the English began to be directed to this business. In their hands the growth and preparation of indigo has become the most important employment, at least in a commercial point of view, carried on in the country. The indigo made by the natives supplies the internal demand, so that all that is raised by Europeans is exported.”

And in the same paper, (the Boston Atlas,) I find an extract from Ramsay's History of Carolina, stating, even more directly, that the Indigo crop of that State was abandoned in a great degree, owing to the “large exportations of the article from the East Indies into England,” which so lowered the price as to make the culture and preparation of it unprofitable.

Sir, is there not a moral in these extracts upon which the planter may well ponder? Is there not enough in them, at any rate, when taken in connection with other facts to which I have already alluded, to make him pause before he expresses so utter a contempt for the idea of establishing a home market for his cotton?

The honorable gentleman from Georgia, however, is willing to run the risk, and declares his readiness, moreover, to have the duty of three cents a pound upon cotton imported into our own country abolished forthwith and forever. Well now, Mr. Speaker, I do not consider this proposition of the gentleman, to abolish the duty on raw cotton, as any very great concession on the part of the South. After a fabric or a product of any sort has enjoyed a protection, almost amounting to absolute prohibition, for fifty years, and has attained, under its influence, to a perfection and a maturity which have enabled it thus far to over-

come all competition in almost all the markets of the world, it is no such infallible indication of one's devotion to free trade principles, as the gentleman seems to imagine, to be willing to have the duty taken off. But it has been denied, more than once during the debate, that this duty on raw cotton ever operated, or ever was intended to operate, as a protection to the planter; and gentlemen have added that the South never desired its imposition, and has been always ready to see it done away. Sir, I take issue, again, upon both these points. I do not pretend that the duty of three cents a pound has operated to protect the Southern planter to any great extent for some years past, although I am not without high authority for thinking that some of the Bengal cottons might have been imported to advantage, and wrought up into the commoner and coarser goods at our own looms, had the duty not existed. Nay, I am not without authority for thinking that some of this East India cotton can be imported to advantage even under the duty as it now stands, reduced, as it has been by the operation of the compromise act, to about one cent a pound; and an experiment of that sort, I learn, is at this moment about to be instituted. But, let this be as it may, I maintain that the duty in question was a protecting duty in its origin; that it was intended as such; that it operated as such; and, moreover, that it was complained of as such, by those to whose benefit it did not enure. And, in support of this assertion, I appeal to the report of Alexander Hamilton, on the subject of manufactures, in 1791 — a document which will be admitted as good evidence of a fact, however it may be disputed as authority for a principle.

Mr. Hamilton, while Secretary of the Treasury, was ordered by the House of Representatives, in January, 1790, to consider the subject of domestic manufactures, and, more especially, to give his views upon "the means of promoting such as will tend to render the United States independent on foreign nations for military and other essential supplies." And in this very order, I may remark, we have another infallible index of the understanding of the first Congress as to the power to regulate trade. In the course of his report, Mr. Hamilton speaks of the great importance of encouraging the manufactories of cotton, one or

two of which had just been established in Rhode Island and Massachusetts, and then proceeds as follows : —

“The present duty of three cents per pound on the foreign raw material is, undoubtedly, a very serious impediment to the progress of those manufactories.”

“While a hope may reasonably be indulged that, with due care and attention, the national cotton may be made to approach nearer than it now does to that of regions somewhat more favored by climate, and while facts authorize an opinion that very great use may be made of it, and that it is a resource which gives greater security to the cotton fabrics of this country than can be enjoyed by any which depends wholly on external supply, it will certainly be wise, in every view, to let our infant manufactures have the full benefit of the best materials on the cheapest terms.”

“To secure to the national manufacturers so essential an advantage, a repeal of the present duty on imported cotton is indispensable.”

I might cite other passages from the same document, in which it is proposed, among other things, to substitute, as a more expedient mode of protecting the cotton planter, a bounty on the national cotton when wrought at a home manufactory, and also a bounty on its exportation. But I have given enough to prove, conclusively, that the duty in question was regarded, in its origin, as a duty of protection, and was thought to operate to the advantage of the planter, at the expense of the manufacturer, — to the advantage of the South, at the expense of the North. Nor can it be correct that there has been always a readiness for its repeal. If so, why was it not repealed, according to Hamilton's recommendation, in 1791? Why has it not been repealed since? A provision for its repeal was contained in the original draught of the compromise act. According to that bill, as originally introduced, unmanufactured cotton was to be a free article after 1842. Why was it stricken out? A vote was actually passed, too, at the last session of Congress, making cotton a free article, in company with salt and sugar; but not a few of the Southern members united in carrying its immediate reconsideration, who voted against the reconsideration in relation to both the other articles. Where is the evidence, in all this, that the South is so very indifferent to the continuance of this duty? Are the Eastern manufacturers responsible for this measure of protection also? As much so, perhaps, Sir, as they were for the tariff of 1816. But even if the South is ready for making cotton a free article now, it would be, as I have already suggested,

but poor evidence of their willingness to endure martyrdom in vindication of their free trade notions. The very theory of protection supposes that, at some time or other, the protected fabric or product will be able to sustain itself without further aid. And for Southern gentlemen to boast of their devotion to free trade, because they think protection has done its work in regard to their own great staple, is very much like the boasting of the British manufacturers of their readiness for free trade, now that their own establishments have been built up beyond the reach of competition.

And this brings me, Mr. Speaker, to a remark or two on the recent free trade movements in Great Britain. The gentleman from Georgia alluded to them yesterday with great satisfaction, and pointed us particularly to the conclusions of Mr. Hume's report. Now, Sir, there is very little evidence that the British nation is about to sustain and adopt the doctrines of that report. Already, as everybody knows, a proposition to that effect has cost its supporters their posts in the cabinet. But the report, notwithstanding, is a document of considerable interest; and I desire to present to the House a few passages in it, which impressed me very deeply in a cursory perusal of it last summer, and which the remarks of the gentleman from Georgia have recalled to my remembrance. I quote first from the testimony of Dr. Bowring:—

"I believe," says he, "inasmuch as the commercial relations of England are greater than those of any other country, that England is always the country that is the recipient of the greatest proportion of the prosperity of other nations.

"Every commercial relation entered into between England and every other part of the world is likely to be more profitable to England than to any other country! Yes, England gets the greatest proportion of the benefit."

I take, next, a passage or two from the testimony of Mr. James Deacon Hume:—

"Do you consider the wealth of England to be caused and maintained by her commercial and manufacturing industry?

"Certainly; if meant as in contradistinction from the produce of the soil. It is only necessary to look round the world and see what countries there are, of much richer soil, that are in a state of comparative poverty, and also to look to our own history, of no long period, to see that, with the same quantity of land we have now, we were a poor country, compared with what we are; therefore, having always had

the land, but not the trade, I must conceive that the increase of our riches arises from the trade, and not from the land.

"Has not the wealth of the country arisen from the greatly increased prosperity of our manufacturing and commercial relations ?

"I conceive that it can be traced to no other source. The only difference that I can see in the present state of the country and the country a century ago is, that by commerce and manufactures we have acquired riches, and raised up a population which are not only able to consume, but also able to pay good prices for the produce of our land. If the same population had been raised by other means, they would have been a burden to the land instead of an advantage.

"Does not every limitation of food, and every rise in the price of food, tend to undermine the manufactures of the country on which we depend ?

"I conceive that it must do so, because we place ourselves at the risk of being surpassed by the manufactures in other countries ; and, as soon as it happens, if ever the day should arrive, that we should be put to a severe trial as to our manufacturing power, I can hardly doubt that the prosperity of this country will recede much faster than it has gone forward.

"Do you mean whenever England shall be unable to compete with foreign markets in her principal staples, with other countries which are less burdened, and have cheaper food than ourselves, that then the prosperity of this country must begin to wane ?

"Whenever foreign countries can so compete with us, from whatever cause, I conceive that our prosperity must decline ; but I cannot help believing that there can be no other cause for that than other countries having cheaper food.

"Is not the increased price of food in this country one of the principal ingredients of the increased cost of our manufactures, so as to prevent our competing with other countries ?

"I conceive that, in the long run, it must be so. It either must be so, or the manufacturers and laborers must suffer great privations ; wages would first be lowered as far as possible ; and, as many masters would be withdrawing from their trade, it is possible that the supply of labor would be so much greater than the demand, that the reduction might go to the limit of starving or riots. But it is not merely that, — it is the diverting of other countries from manufactures, and inducing them to take to agriculture instead, and also producing an interchange of goods and creating markets for returns for our goods, as well as finding markets for them to go to. Although, I conceive that the reduction in the price of food, and particularly the admission of it from abroad, must tend to prevent other countries from being able to surpass us in manufactures.

"Do you not consider that we have greater advantages in production than any other country in the world, as regards capital and skill ?

"I think that is the only thing that has kept us up ; but I do not think the advantages are such that we can rely upon them forever.

"We are losing markets for our goods in return for corn, and we are compelling those countries to establish interests to rival us in other countries.

"I have always thought that when the great change in this world took place, after the French war, before which time the foreigners had not attempted manufactures to any material extent, and when they had been greatly encouraged in agricultural pursuits, because through the war we had been great importers, — if from that time we had thrown open our ports for raw produce and removed protections, we should have



had our manufactures in a most secure position, for the other countries who are now attempting to rival us would not have attempted it. But it would be difficult now to get back to the point at which we then were. Starting at that point, we were then the only manufacturers."

Here, then, Mr. Speaker, is a nation which, by the declaration of its own witnesses, is "always the country that is the recipient of the greatest proportion of the prosperity of other nations;" which "gets the greatest proportion of the benefit of every commercial relation entered into between it and every other portion of the world;" which, in a word, has obtained a vantage-ground from which it can assert its claim to the lion's share of every thing that is going, — a nation, too, which, by the declaration of the same witnesses, has attained to this proud predominance and peerless superiority by "her commercial and manufacturing industry," which could never have reached it, had it relied "on the produce of the soil," and whose population, had it been raised by any other means than commerce and manufactures, "would have been a burden to the land, instead of an advantage," — here is this nation, I say, endeavoring to prove to the world that the system of domestic protection, under which those manufactures have sprung up and that commerce spread abroad, is a false and foolish system! Having climbed to the very top itself, and placed itself on a platform of security and power, it is now proposing to throw down the ladder by which it mounted, in hopes, by its example, to induce others who are but half way up, or who, it may be, have just placed their feet upon the lowest round, to do likewise!

In these, and other passages of this report, too, we see the real origin of the recent free trade movement in England. It was in the fact that some of the continental countries were beginning to manufacture for themselves, and that our own coarse cotton fabrics were found competing successfully with those of the British in the Brazilian, South American, and East India markets. The testimony exhibits the apprehension of the English manufacturers, that they may "one day be surpassed by the manufacturers of other countries." It expresses the opinion that, "if that day should ever arrive, the prosperity of the country would recede much faster than it has ever gone forward." It

openly recommends the abolition of the corn laws, as "a means of diverting other countries from manufactures, and inducing them to take to agriculture instead;" and it intimates the difficulty, while it implies the desirableness, of getting back to that palmy point at which the British nation stood at the end of the French war, when "they were the only manufacturers."

And is this a policy which the gentleman from Georgia would seriously advise us to fall in with? Would he have us grant to Great Britain, so far as we are concerned, this manufacturing monopoly which she seeks; abandon the social advantages and national independence which result from a division of labor among our own population; and rely henceforth for our support exclusively upon the produce of the soil? Would this be, let me ask him, the surest way of conferring a benefit upon that great agricultural interest, which, I acknowledge, has claims upon our regard and protection second to those of no other interest whatever? Would the farmers of our country thank us for adopting a policy which should divert the whole people from all other pursuits, and "induce them to take to agriculture instead?" Would such a course be the best mode of securing them a generous, or even a just, reward for their labor? And that, too, before the British ports have been thrown open to their raw produce; and while a hundred nearer granaries stand ready to pour into those ports, whenever they are opened, the products of lands not less fertile, and of labor cheaper than our own? Sir, it will be an evil day for the farmers of our country, when they follow the example of the planters, and place their exclusive reliance upon a foreign market. A steady foreign market they never will have. To say nothing of the competition they will encounter from the grain-growing countries of Europe,—how long would it be before the corn laws would be revived, even were they once removed! The object of their removal having been accomplished,—other countries having been "diverted from manufactures," and "induced to take to agriculture instead,"—how long would it be before the landed interest of Great Britain would again be found vindicating its title to protection! It would cost Great Britain nothing to reconstruct a sliding scale. It might be done in a day. But what would it not cost us to reconstruct our mills and looms,

to rebuild our furnaces, to reëstablish our abandoned arts, and place them in the position of security which they now enjoy! And where would be our farmers meanwhile? With an incalculable surplus produce on hand, everybody raising and nobody consuming at home, and with no longer any outlet for disposing of it to advantage, or even disposing of it at all, abroad, — how much cause they would have for gratitude to those, who, under the profession of an exclusive friendship to their interests, had imposed upon the country a policy involving such consequences! It is treachery, Sir, to the agricultural population of the country, to flatter them with the idea of a secure and sufficient foreign market. Such a market they cannot have in war, and such a market they never will have in peace. Their true interest lies at home.

But the gentleman from Georgia has discovered that the manufacturers of the United States are doing a better business than any other class in the community already, and has cited figures from a book, to prove that many of them are making not less than eighty-eight per cent. per annum on their capital stock. Many of them, too, he tells us, are actually exporting their fabrics to foreign markets, where they enter into successful competition with the manufactures of Great Britain. With what face, then, can they ask for any greater protection than they now enjoy?

Well, now, Sir, these inordinate profits of our American manufacturers are very easily explained away, — much more easily than I wish they were, for the sake of those whom they concern. In this eighty-eight per cent. per annum, nothing is allowed for the cost of the raw material, nothing for the wages of labor, nothing for the commissions of sale, nothing for the wear and tear of machinery, nothing, in fact, for any of the thousand expenses, great and small, attending the management of such kinds of business. Everybody knows that a portion of the capital of manufacturing establishments is kept floating, as it is called, for these expenses, and is consequently found entering, as a large item, into the accounts both of the annual outlay and of the annual returns. The gross yield of these establishments, therefore, always exhibits the disproportion and excess to which the gentleman has referred. I find the whole manufacturing capital of

Great Britain estimated at £217,773,872, and the gross annual yield at £259,412,702; while the entire agricultural capital of the same empire is stated to be £3,258,910,810, and its annual yield only £538,536,201. Does the gentleman imagine, therefore, that the British manufacturers really pocket one hundred and twenty per cent. per annum, or that they net nearly half as much annual income as the farmers of their own land, from a capital only one fifteenth part as large?

Sir, the manufacturers of the United States are enjoying no such rich spoils. Some of them have been doing, I doubt not, a profitable business, and there may have been here and there a corporation which, from long experience, and fortunate investment, and economical management, may have been able to declare great dividends. The most successful of them, however, (I speak of those in my own State,) have had their years of scarcity as well as their years of abundance; and their average profits would probably not at all exceed a fair interest upon their outlay. As to the exportations which have been referred to, they have been mainly of a single class of goods—the coarse cottons, or domestics, as they are called—into which skill and labor enter least, and for the manufacture of which we enjoy peculiar advantages in having an abundant supply of the raw material at our own doors. With these goods, it is true, we compete successfully with Great Britain in the East India, Brazilian, and South American markets, — so successfully, that the British manufacturers have even counterfeited our stamps, in order to undersell us with an inferior article. For this branch of manufacture, protection is no longer needed. It has done its work; and we point to this triumph of the past, as the best pledge of the achievements it is destined to accomplish in the future, if not too summarily abandoned.

The gentleman from Georgia seems not to remember, however, that the success of American manufactures, hitherto, has been under a state of things which is now about to be materially altered. Under the operation of the compromise act, a large part of the protection which they now enjoy is to be taken off this very week, and another large part at the end of the next six months. This reduction will be on some articles three per cent., on others

six per cent., on others nine or ten per cent., and on almost all woollen articles eighteen per cent. Any success of our domestic manufactures in the past, therefore, affords no ground of assurance, and no ground of argument, for the future. Nor is it just to say, that the manufacturers are seeking an increased protection. At most, they are only remonstrating against a greatly reduced protection. Sir, nothing is less true of the manufacturers in the part of the country from which I come, than that they seek any thing extreme or extravagant in the rate of duties, or are desirous of pressing a high tariff again upon the country. On the contrary, there is a uniform and universal disposition among those whose opinions I have been able to ascertain, to acquiesce in the most moderate system of discrimination which will enable them to stand up against an overwhelming competition from abroad. And they, one and all, are of opinion, that such a system may be arranged in a manner to promote the best interests of all the various branches of the national industry, and without levying a dollar more of duties upon the people, than will be absolutely necessary to an economical support of the Government.

But the honorable gentleman from South Carolina (Mr. Rhett) seems to think that the idea of combining the objects of revenue and protection in a single system is altogether impracticable. He has told us that the two things are totally incompatible, and that where protection begins, revenue ends. Does the gentleman intend, by this remark, to assert, that the protecting tariffs, about which he and his friends have so long complained, and against which some of them proceeded to the length of preparing to take up arms, yielded no revenue to the country? Or, will he take the other horn of the dilemma, and assert, that, having yielded, as they did, a most ample revenue to the government, they were not protecting tariffs? Certainly, he cannot have employed this language in any sense which would involve him in such a contradiction. What, then, could have been his meaning? Did he only intend to argue, that inasmuch as complete protection could only be effected by prohibitory duties — from which, of course, no revenue could accrue — that, therefore, protection and revenue were incompatible? Why, Sir, it would be as fair for me to argue that, because the entire absence of pro-

tection could only be produced by perfect freedom, therefore the want of protection was incompatible with revenue. This is one of those instances where extremes meet. It is, undoubtedly, true that as you approximate closely towards duties of prohibition, you diminish the revenue from the article on which those duties are laid. But it is by no means sure, that a moderately high duty which will decrease importations to a very considerable extent, may not yield as large a revenue as a duty so low as not to diminish them at all. Take an easy illustration. Four million dollars' worth of cottons or wollens imported at a five per cent. duty, will yield a revenue of \$ 200,000. But raise the duty to twenty per cent., and suppose that by so doing you exclude three fourths of the importation, the one million which is left will yield the same amount, — the increase of the duty making up for the diminution of the imports.

The honorable gentleman, however, has in some degree explained himself on this point, in a reply to a remark of my colleague, (Mr. Hudson,) and he must pardon me for saying, that he seems to have explained away the whole force of his paradox. I understood him to admit, that protecting duties did not immediately destroy revenue; that, on the contrary, they might increase it for one, two, three, or any number of years; and that it was only when they had enabled the domestic manufacturer or producer to supply the entire demand of the country, that they would put an end to it entirely. It was thus only an ultimate tendency of protecting duties to destroy revenue, and not their immediate result. Well, now, Sir, sufficient unto the day is the evil thereof. Let the gentleman join with us in establishing a moderate system of protecting duties, graduated upon a revenue standard; and whenever his theory is verified, and protection and revenue have been proved to be no longer compatible, it will be early enough to assign this as a reason for supplying the necessities of the treasury in some other way.

But I have alluded to this point principally for the sake of saying, that the gentleman has, in my judgment, placed an utterly unwarrantable construction on the phrase, now so much in vogue, that duties should be laid primarily for the purposes of revenue, and that protection is only to be incidental to that object. His

construction of this doctrine appears to be, that we are to apply the principle to each individual article of import,—selecting those articles, in the first place, on which to lay a duty, and laying upon each of them precisely that rate of duty, which will yield the largest possible amount of revenue. This is what he seems to understand by looking primarily to revenue. And it is easy to perceive that the protection incidental to such a system of imposts might be very inconsiderable. Such a system would find its legitimate commencement in the imposition of the highest duties on the most indispensable necessities of life, and more particularly on such of them as we were least able to produce or manufacture for ourselves; and would resort to a duty upon luxuries, and upon articles entering into competition with our own labor, only when all other sources of additional revenue were exhausted.

But in no such sense as this, I need hardly say, Sir, was the doctrine, that revenue was to be the primary object, and protection only incidental, ever asserted or understood by the friends of a discriminating tariff. The whole sum and substance of this doctrine, as avowed by them, is, that no more duties are to be collected in the aggregate than are necessary for purposes of revenue; that we are not to accumulate a surplus in the Treasury by laying high duties merely for protection; that, in a word, no more moneys are to be levied upon the people than are wanted for the support of the government. But having ascertained how much is wanted, having fixed the aggregate amount of revenue which it is necessary to raise, we contend for the right and for the obligation to raise it by such duties upon such articles as the great agricultural, manufacturing, or commercial interests of the country may render expedient. This was the doctrine so clearly and emphatically expressed by Mr. Webster, in the resolutions which he laid on the table of the Senate at the time of the adoption of the compromise act, and in explanation of the views with which he opposed that act. This is what I understand to be the doctrine of the present Secretary of the Treasury, where he says, “it is fully acknowledged that all duties should be laid with primary reference to revenue; and it is admitted, without hesitation or reserve, that no more money

should be raised, under any pretence whatever, than such an amount as is necessary for an economical administration of the government." And this, too, is the only interpretation I can put upon these paragraphs of the President's message, — "In imposing duties, however, for the purposes of revenue, a right to discriminate as to the articles on which the duty shall be laid, as well as the amount, necessarily and most properly exists." — "So, also, the government may be justified in so discriminating by reference to other considerations of domestic policy connected with our manufactures. So long as the duties shall be laid with distinct reference to the wants of the Treasury, no well-founded objection can exist against them." Sir, I do not presume that the opinion of the President, whatever it may be, is to have any very controlling influence in this House. But if this language in his message was not used to mislead those to whom it was addressed, was not designed to give a promise to the ear to be broken to the hope, (and no one has ventured to intimate such an idea,) it must have been intended to express an opinion in favor of discrimination, within the standard of revenue, for the purposes of protection.

The honorable gentleman from Virginia, indeed, (Mr. Jones,) informed us many days ago, that the President's whole life precluded such a construction; and the remark has been indorsed in a quarter from which an indorsement is supposed to come with something more than common authority, — the columns of the *Madisonian*. But I must insist that there is at least one passage in his life, and that of very recent occurrence, which the gentleman from Virginia could not have remembered, or could not have intended to include.

During the late political campaign, Mr. Tyler was interrogated on this question of a tariff by Mr. William Robinson, Jr., of Pittsburg; and here is an extract from his reply: —

"My opinions were fully expressed at St. Clairsville, and at Steubenville. At both places, in regard to the question, what are your opinions as to the tariff? I answered that I was in favor of sustaining the compromise bill. That it contained the principle of retroaction the moment the duty attained its minimum, which forced up the protection, *eo instanti*, to what was equivalent to forty per cent. That the change which it effected in the plan of valuation and the mode of payment, was fully equal, in my view, to twenty-five or twenty per cent.; and that, with a cessation of the war upon the



currency, which had paralyzed the industry of the country, I was sanguine in the hope and the belief that prosperity would be speedily restored."

Mr. Tyler was thus in favor of the compromise act, because it contained a retroactive principle which forced up the protection to what was equivalent to forty per cent. How, then, can any one say that his whole life has proved him to be an enemy to protection? And let me add here, that, with this understanding of the compromise act, I am in favor of sustaining it also; and if its friends will unite with us in so adjusting the cash duty and home valuation principles, to which Mr. Tyler referred, as to make them equivalent to forty per cent., nay, or even to a fairly imposed and fully collected thirty per cent. *ad valorem*, — I will venture to say, that it will soon cease to have any opponents.

And now, Mr. Speaker, let me say a few words in conclusion of the whole matter, and with more immediate reference to the precise question upon which we are about to divide. The compromise act, as it is called, is about reaching its final consummation. Its ten years of transition state are about to expire. Its proposed experiment of a uniform twenty per cent. *ad valorem* system is about to commence. Sir, in the judgment of a large portion of the people of this country, that experiment is destined to prove a failure. Its failure, indeed, is regarded by many, as a foregone conclusion. They think there is evidence enough on that point already. In their judgment, it will inevitably fail, in the first place, to produce revenue enough to meet the economical wants of the government, — using the word economy, not as some gentlemen in the course of this debate have used it, with mere reference to dollars and cents, but with relation to the honor, the dignity, the common defence and general welfare of the country. In their judgment, too, it will no less signally fail in exerting those favorable influences on all the great interests of American industry — commercial and agricultural, as well as manufacturing — which may be justly expected from the operation of a permanent revenue policy. They believe that the payment of duties in cash which it prescribes, will be a serious grievance to the mercantile community, without the intervention of what is known as the warehousing system. They believe that the *ad valorem* duties which it universally imposes, will not

only be a source of infinite fraud upon the Treasury, but will drive out the honest American merchant from his rightful business and occupation, and throw the whole importing trade of the country, where a large part of it has already gone, into the hands of the unscrupulous and fraudulent agents of foreign houses. They believe, too, that the home valuation principle which it contains, will be found utterly impracticable, and will involve our collection system, if attempted, in a state of things alike unequal and unconstitutional. They believe, still further, that the rate of duties which it establishes, and more especially if their payment in cash and their assessment upon a home valuation be abandoned, will prove entirely insufficient to protect the manufacturing and mechanical labor of the country from a ruinous competition with the cheaper labor of the old world, and that not merely our cotton-mills and woollen-mills will many of them be prostrated, but great numbers of the artisans and mechanics of our humbler workshops will be thrown out of employment. They believe that large quantities of ready made clothing, of hats, of boots and shoes, of ropes and cordage, of paper, of iron ware, and wooden ware, and glass ware, will be imported under a twenty per cent. duty, and will undersell in our own markets the fabrics of our own industry. And let no gentleman believe it impossible that some of our workshops should be transferred to other lands. It has come to my knowledge, within a few days past, that an entire set of machinery for spinning and laying hemp, with the hands to manage it, has been very recently sent out from Massachusetts to Manilla, from which a liberal supply of ready-made rope may soon be expected, — a fact, which, perhaps, may prove interesting to the hemp-growers in Kentucky and elsewhere. But, still again, they believe that the fresh flood of importations which such a system of revenue will throw in upon us, will not only distress and prostrate much of our manufacturing industry, but will involve the agriculture of the nation equally in its disastrous results, both by diminishing the power of paying for its products in the home market, and by compelling it to reduce the price of those products to an amount, at which they can be used to advantage in balancing the account of the country in the foreign market. They believe, yet further,

that the currency of the Union will partake largely of the common calamity ; that our specie will be drawn away from us in ruinous amounts to pay for our excessive importations ; and that the long desired day of return to a sound state of things will be still further postponed.

It would be easy, Mr. Speaker, to enlarge on each of these points of objection to the anticipated operation of the compromise act. But I have detained the House too long already, and other opportunities will occur. All I will add now is, that such being the opinion of great numbers of persons in all parts of the country, it is but reasonable, it is but just, that the subject should be deliberately investigated in all its bearings. We seek no exclusive hearing for the manufacturing interests. We desire that the labor of the country should be looked to, in all its branches. We believe that the existing revenue system, if adhered to, will be disastrous to all alike ; and we desire that its operations should be examined in reference to all alike. The House will bear me witness that the resolution of inquiry introduced by me at the last session, and afterwards sanctioned by the Committee on Commerce, was thus broad, comprehensive, and general in its terms. I heartily wish that resolution could have been adopted, and that the fruits of the investigation it proposed were now before us. We should not, in such case, be engaged in disputing on such a barren and bootless issue as the present. It was a measure which commended itself to the intelligent approbation of the whole community, and nothing but a most groundless jealousy of its object could have occasioned its defeat. I pray gentlemen to join in repairing the consequences of that defeat as far as we can. I pray them not to deny to this subject of the tariff a fair and full hearing at the present session, and not to send it to any committee who will be prevented, either by occupation or inclination, and much less by instruction, from attending to it thoroughly.

Sir, the strongest objection I have to the amendment and the instructions now under consideration is, that they seem to be proposed and pressed with a view to foreclose all further consideration or agitation of this subject of protection. They seem to have had their origin in something of the same design to de-

prive the citizens of the free States of a hearing in relation to what may be called their own peculiar institutions, which has already deprived them of a hearing in regard to the peculiar institutions of the Southern States. Protection is an exploded term, says one. It is unconstitutional, and ought not to be so much as named in this House, says another. Abolish the Committee on Manufactures, says a third. Instruct the Committee of Ways and Means, says a fourth, to have no reference to the industry of the country. Sir, I implore gentlemen to take no such proscriptive course. I am not accustomed to deal in warnings. We have had quite too many of them from other quarters. But I tell them, that the excitement produced by your twenty-first rule, deep and pervading as it has been in many parts of the country, — when compared with that which would be produced by an arbitrary effort to rule this subject of discrimination in favor of our own labor out of the House, — would be as the light murmuring of the distant wind, compared with the deep-toned thunder of the raging storm. The whole country has looked forward to this tenth year of the compromise act, as the time when the tariff was to be revised, as the time when the seal of silence which that act imposed was to be taken off, as the time when all who were interested in its provisions, were once more to be fairly and fully heard. I pray the House to grant that full and fair hearing by a Committee appropriate to the purpose.

There would be work enough, indeed, in such an investigation, for half a dozen Committees, and I would not object, myself, to having the labor thus distributed. The Committee on Ways and Means might examine the revenue system of the country, for instance, simply with reference to the finances. The Committee on Agriculture might investigate its operation on the farming and planting interests, the corn, and wheat, the cotton, tobacco, and rice interests. The Committee on Commerce might inquire into its effects upon the commercial and navigating interests of the nation, and might well extend their examination into the influence of those reciprocity treaties, as they are called, which are giving such an advantage to the shipping of foreign countries in our ports; — that West India Treaty of Mr. Van Buren's,

more particularly, which, during the last ten or twelve years, has increased the British tonnage clearing from our ports for the British colonies and provinces, more than twentyfold, while it has increased the American tonnage clearing from the same ports less than threefold; which has increased the British tonnage clearing for all foreign ports from our own ports more than fivefold, while it has increased the American tonnage less than twofold; and which has already reduced the American tonnage entering our ports direct from the British West Indies more than one half. The Committee on Manufactures might, then, confine their attention to the condition of our manufactures and mechanic arts, and to the effect which is likely to be produced upon them by the ultimate operation of the compromise act. We should thus have a series of reports of great interest and value, embracing different views of the same general subject, and affording a basis for sound, intelligent, and impartial legislation.

The paragraphs of the President's message now under consideration relate, however, solely to discrimination in reference to manufactures. Let them go, then, to the Committee on Manufactures. Why should they not? Is that Committee composed of gentlemen friendly to a protecting policy? So much the more reason for such a reference. It is the parliamentary right of every interest to be heard through a Committee of its friends. What harm can result from such a course? The mere reference will commit the House to no particular course of action. The report of the Committee will be obligatory upon nobody. You have committed the President's plan of finance to those who are supposed to be favorable to the scheme; but you can crush the project, when it comes back, if you desire to do so, as easily as if you had referred it originally to its known opponents. So it will be with a protecting tariff, if one should be reported. If you are resolved to strike down the Labor of our own land, strike it down; but, in the name of all that is just and equitable, hear, HEAR, before you strike, and hear fairly, deliberately, and fully.

## NOTE.

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THE petition of Paul Pritchard, which was among the first presented to the Congress of the United States, after the adoption of the Constitution, and which is alluded to on page 311, will not be read without interest.

April 13, 1789.

TO THE HON. SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES OF AMERICA:

The petition of the Shipwrights of the State of South Carolina humbly sheweth:

That your petitioners reflect with pleasure that the Constitution of the United States gives the exclusive right of forming treaties and regulating commerce to the General Government of the Union, which can alone equally, safely, and effectually, exercise the same.

From the diminished state of ship-building in America, and the ruinous restrictions to which our vessels are subject in foreign ports; from the distressed condition of our commerce, languishing under the most disgraceful inequalities, its benefits transferred from our own citizens to strangers, who do not, nor ever will, feel those attachments which can alone render a mercantile interest useful to the country; and above all, mortified at the daily humiliating sight of our valuable staples lading the vessels and enriching the merchants of Powers who neither have treaties with us nor are friendly to our commerce; with deference and respect, your petitioners humbly entreat the early and earnest attention of your honorable House to these important considerations.

Enjoying a country which possesses every thing to make its commerce flourishing and its reputation respectable, there wanted but a supreme energetic system, capable of uniting its efforts and drawing its resources to a point, to render us a great and happy people. This system we trust the wisdom of the General Convention has produced, and the virtue of the people confirmed. Under your able and upright administration of the ample powers it contains, we look forward with pleasing hopes to the period when we shall once more see public

credit firmly established, private rights secured, and our citizens enjoying the blessings of a mild and active government.

No more, we trust, shall we lament our trade almost wholly in the possession of foreigners; our vessels excluded from the ports of some nations, and fettered with restrictions in others; or materials, the produce of our country, which should be retained for our own use, exported, and increase the maritime consequence of other powers.

To the wisdom of the General Legislature we look up for a correction of these public evils. The formation of treaties and the regulation of commerce are questions which can be committed with safety to the enlightened councils of the Union alone; it would be as unnecessary, as it would be unbecoming, in us to presume to point out the measures proper to be adopted. It is sufficient for us to join with our Northern brethren in asserting, that we have most severely felt the want of such a navigation act as will place our vessels upon an equality with other nations. To you, who are the only proper guardians of our general rights, we resort with confidence for redress, assured that no means will be left unattempted, to remedy these evils, and to render us respectable abroad and at home.

And your petitioners, as in duty bound, will ever pray.

Signed, in the city of Charleston, this 2d day of April, A. D. 1789, by order of the shipwrights.

PAUL PRITCHARD,	} Committee.
JAMES GEORGE,	
DAVID HAMILTON,	

It was in response to a similar movement among the ship-owners and ship-builders in Boston, which seemed to aim at the exclusive protection of the navigating interests, that the Boston mechanics, at the head of whom was Paul Revere, put the following well-remembered interrogatory: — "What difference does it make to us, whether hats, shoes, boots, shirts, handkerchiefs, tin ware, brass ware, cutlery, and every other article, come in British ships, or come in your ships; since, in whatever ships they come, they take away our means of living?"

**THE IMPRISONMENT**  
**OF**  
**FREE COLORED SEAMEN.**

**A REPORT MADE TO THE HOUSE OF REPRESENTATIVES OF THE UNITED  
STATES, JANUARY 20, 1843.**

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**THE Committee on Commerce, to whom was referred the memorial of Benjamin Rich and others, submit the subjoined report:**

**The memorial was commended to the most attentive and respectful consideration of the committee, as well by the subject-matter to which it relates, as by the character of those from whom it comes.**

**It is signed by more than one hundred and fifty citizens of Boston, in the State of Massachusetts, a large part of whom are very deeply interested in the commerce and navigation of the country, others of whom are eminently distinguished in legal, scientific, or literary pursuits, and all of whom are quite beyond the reach of a suspicion, that they would approach the Legislature of the nation in any cause, in which they did not sincerely believe that important principles or valuable interests were involved. Probably no paper was ever addressed to the Congress of the United States, which represented more of the intelligence, virtue, patriotism, and property also, of the metropolis of New England. In attestation of this statement, the memorial, with its signatures, is appended to this report.**

**The memorialists appear in the character of citizens of the United States, adding, also, that many of them are masters and owners of vessels.**



They set forth, that on board the large number of Massachusetts vessels which are accustomed to touch at the Southern ports of this Union, it is frequently necessary to employ free persons of color. They proceed to state, that it often happens, at the ports of Charleston, Savannah, Mobile, and New Orleans, that these free persons of color are taken from the vessels to which they belong, thrown into prison, and there detained at their own expense. They submit, that such proceedings are greatly to the prejudice and detriment of their interests, and of the commerce of the nation. And they conclude by praying, that relief may be granted to them, and that the privileges of citizenship, secured by the Constitution of the United States, may be rendered effectual in their behalf.

The committee regret to say, that the facts which are set forth in the memorial, have been of too frequent and too notorious occurrence to admit of any denial or doubt. They regret still more to add, that the acts of violence complained of by the memorialists, have owed their occurrence, not to any temporary excitement or any local outbreak, but to the deliberately enacted laws of the States in whose ports they have been perpetrated. It is known to every one, that laws, making it the imperative duty of the local magistrates to search for, arrest, and imprison, any free persons of color belonging to the crews of vessels which may enter their harbors, have existed, and have often been most oppressively executed, during a long series of years, in some of the Southern States of this Union.

The existence of such a law in the State of South Carolina gave occasion, almost twenty years ago, to a formal remonstrance to our National Executive, on the part of the Government of Great Britain, as being in direct conflict with the rights which had been stipulated to British commerce by the most solemn treaties. An interesting correspondence, relating to this remonstrance, was communicated to this House during the last session of Congress, and is annexed to this report, for more convenient reference.

Laws of the same character have been more recently enacted in other States. Within the past year only, such a law has been introduced into the code of Louisiana, whether as an original

enactment on the subject, or as a revised statute, the committee have not thought it important to inquire.

The committee have no hesitation in agreeing with the memorialists, that the acts of which they complain, are violations of the privileges of citizenship guaranteed by the Constitution of the United States. The Constitution of the United States expressly provides, (art. 4, sec. 2,) that "citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Now, it is well understood that some of the States of this Union recognize no distinction of color in relation to citizenship. Their citizens are all free; their freemen all citizens. In Massachusetts, certainly — the State from which this memorial emanates — the colored man has enjoyed the full and equal privileges of citizenship since the last remnant of slavery was abolished within her borders by the constitution of 1780, nine years before the adoption of the Constitution of the United States. The Constitution of the United States, therefore, at its adoption, found the colored man of Massachusetts a citizen of Massachusetts, and entitled him, as such, to all the privileges and immunities of a citizen in the several States. And of these privileges and immunities, the acts set forth in the memorial constitute a plain and palpable violation.

It matters not to this argument, in the opinion of the committee, what may be the precise interpretation given to this clause of the Constitution. However extended or however limited may be the privileges and immunities which it secures, the citizens of each State are entitled to them equally, without discrimination of color or condition; and unless it is maintained that the citizens of Massachusetts generally, may be made subject to seizure and imprisonment for entering these Southern ports in the prosecution of their rightful business, whenever the Legislatures of South Carolina, or Louisiana, or Alabama, or Georgia, may see fit to enact laws to that effect, it is impossible to perceive upon what principle the acts in question can be reconciled with this constitutional provision.

The State laws under which these acts are committed, are also, in the judgment of the committee, in direct contravention of another provision of the Constitution of the United States.

The Constitution of the United States gives the power to Congress "to regulate commerce with foreign nations and among the several States." This power is, from its very nature, a paramount and exclusive power, and has always been so considered and so construed. There is no analogy between this power of regulating commerce and most of the other powers which have been granted to the General Government. The power to regulate admits of no partition. It excludes the idea of all concurrent, as well as of all conflicting, action. It can be exercised but by one authority. Regulation may be as much disturbed and deranged, by restraining what is designed to be left free, as by licensing what is designed to be restrained. The grant necessarily carries with it the control of the whole subject, leaving nothing in reference to it for the States to act upon. But it is too obvious to require, or even bear, an argument, that the laws in question, imposing severe penalties, as they do, upon certain classes of seamen for entering certain ports, are infringements, by the States in which they have been enacted, upon this exclusive authority of the General Government.

Nor can the States which have enacted these laws escape, in the judgment of the committee, from the charge of having violated still another provision of the Federal Constitution. The sixth article of that instrument declares, that "all treaties made, or which shall be made, under the authority of the United States, shall be a part of the supreme law of the land." But the provisions of the laws in question, wherever they are applicable to the crews of foreign vessels, are in direct conflict with most, if not with all, of the commercial treaties which have been made by the United States with foreign nations. Certainly, no treaty of commerce between the United States and any other nation is known to the committee, which contains any restrictions as to the color of the crews by which that commerce is to be carried on.

It seems to be understood, that the application of these laws to foreign vessels has of late years been suspended. This consideration, however, if true, cannot make the laws themselves less obnoxious to constitutional objections; still less can it render them more acceptable to our own citizens. The idea that

foreign seamen are treated with greater clemency in our own ports than native American seamen, can only serve, on the contrary, to increase the impatience, and aggravate the odium, with which such laws are justly regarded.

The committee are aware that the laws in question have sometimes been vindicated upon considerations of domestic police; and they have no disposition to deny, that the general police power belonging to the States, by virtue of their general sovereignty, may justify them in making police regulations even in relations to matters over which an exclusive control is constitutionally vested in the National Government.

But the committee utterly deny that provisions like these can be brought within the legitimate purview of the police power. That American or foreign seamen, charged with no crime, and infected with no contagion, should be searched for on board the vessels to which they belong; should be seized while in the discharge of their duties, or, it may be, while asleep in their berths; should be dragged on shore and incarcerated, without any other examination than an examination of their skins; and should be rendered liable, in certain contingencies over which they may have no possible control, to be subjected to the ignominy and agony of the lash, and even to the infinitely more ignominious and agonizing fate of being sold into slavery for life, and all for purposes of police, — is an idea too monstrous to be entertained for a moment. It would seem almost a mockery to allude to the subject of police regulations in connection with such acts of violence.

It may be difficult, perhaps, to assign the precise limits to which this police power of the States may extend. There is one limit to it, however, about which the committee conceive there can be no question. The police power of the States can never be permitted to abrogate the constitutional privileges of a whole class of citizens, upon grounds, not of any temporary moral or physical condition, but of distinctions which originate in their birth, and which are as permanent as their being. Or, to use still more general terms, the police power of the States can never justify enactments or regulations, which are in direct, positive, and permanent conflict with express provisions or fundamental principles of the national compact.

This would seem to be the doctrine laid down by the Supreme Court of the United States in the recent case of *Prigg versus the Commonwealth of Pennsylvania*. The Court having in that case decided that "the power of legislation in relation to fugitives from labor is exclusive in the national government," seem to have anticipated that a necessity for State interference might arise, in reference to the peace and security of the Commonwealth in which such fugitives might take refuge. They accordingly admit, that the general police power of the States would reach to such a case; but they declare that any such regulations of police "can never be permitted to interfere with, or obstruct, the just rights of the owner to reclaim his slave, derived from the Constitution of the United States."

Now, if such a limitation be applicable to the third paragraph of the second section of the fourth article of the Constitution, it certainly cannot be less applicable to the first paragraph of the same section of the same article. If the police power of a State cannot be permitted to divest a master of his constitutional right over his slave, as secured by one of these provisions, as little can it be suffered to divest a free citizen of his constitutional right over himself, his own actions, and his own motions, as guaranteed by the other. If, on the contrary, this police power can make a citizen no citizen in one State, it is hard to perceive why it cannot make a slave no slave in another State.

There is an act on the statute book of the United States which may seem to have some reference to the subject under consideration. It bears date February 28, 1803, and contains the following, among other provisions:—

"No master or captain of any ship or vessel, or any other person, shall import or bring, or cause to be imported or brought, any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope, into any port or place of the United States, which port or place shall be situated in any State, which, by law, has prohibited, or shall prohibit, the admission or importation of such negro, mulatto, or other person of color.

"No ship or vessel arriving in any of the said ports or places

of the United States, and having on board any negro, mulatto, or other person of color, not being a native, a citizen, or registered seaman of the United States, or seamen natives of countries beyond the Cape of Good Hope, as aforesaid, shall be admitted to an entry."

The act proceeds to prescribe penalties for the violation of these provisions, and to make it the duty of the officers of the revenue of the United States to notice, and be governed by, the provisions of the laws, then existing, of the several States, prohibiting the admission or importation of any negro, mulatto, or other person of color, as aforesaid.

A very brief examination of this act will be sufficient, in the judgment of the committee, to show that it has little, if any, bearing upon the grievances complained of by the memorialists or upon the State laws which are the subject of this report. Indeed, the committee would hardly have thought it necessary to allude to the act, had it not been relied on to some extent by a late Attorney-General of the United States, (Mr. Berrien,) whose opinion is annexed to the report of the minority, to justify the operation of the law of South Carolina in the case of Daniel Fraser, a British sailor, born in the British West Indies.

The act of 1803 was evidently passed in reference to that provision of the Constitution of the United States which declares, "that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808." This provision of the Constitution, it is well understood, had immediate relation to the slave trade, and was designed to secure to the several States of the Union, until the year 1808, the right to admit within their limits, or to exclude altogether, at their own discretion, the unfortunate subjects of this infamous traffic. The act of 1803 was obviously intended to aid those States, which might prohibit the admission of such persons, in the enforcement of such prohibitions. Congress, however, having taken this whole subject into its own hands at the earliest moment at which the Constitution empowered it to do so, and having enacted laws, coextensive with the whole country, in relation to the introduction of such persons into the United

States, the reasons of the act of 1803 would seem to have wholly ceased ; and it may well be questioned whether the act itself, though never formally repealed, has not ceased also. The committee incline to the opinion that it is a mere dead letter upon the statute book.

If, however, it is supposed to have any thing of vitality left, it must be observed that it relates exclusively to vessels arriving from foreign lands. This is evident, both from the general phraseology of the act, and from the particular penalty prescribed for its violation. The vessel, it is declared, shall not be admitted to "entry." But vessels bound to or from one State cannot constitutionally be required to "enter" in another. The act, moreover, expressly excepts from the operation of its provisions all colored persons who are " natives, citizens, or registered seamen of the United States, or seamen natives of countries beyond the Cape of Good Hope." In relation to all colored persons thus excepted, therefore, the act of 1803 contains no prohibition on the part of the general government, and authorizes none on the part of any State ; nor are any of its provisions applicable to vessels of the United States passing from port to port. The direct implication of the act, on the contrary, clearly is, that all colored persons included in the terms of the exception, shall have free and unmolested ingress into all the ports of this Union, and that our own vessels shall pass along from port to port with such crews, so far as color is concerned, as their masters and owners may see fit to employ. If, then, the act of 1803 be still in force, and if this be its just construction, no other evidence can be required, that the laws of the Southern States complained of by the memorialists, are in direct collision with a law of the United States.

There is one view in which the law of 1803 is certainly not without importance. There is one point on which, even if dead, it still speaks. The distinct recognition which it contains, of the idea that a negro, mulatto, or other colored person, may be a "citizen" of the United States, is sufficient to prove the opinion which was entertained by the Congress of 1803, upon a doctrine which of late years has so often been denied.

The Committee do not deem it necessary to dwell longer on

the constitutional character of the proceedings which the memorial sets forth, or of the State laws by which they are sanctioned. They content themselves with appending, as a part of their report, an opinion on the subject, officially communicated to the Secretary of State, by the late William Wirt, while Attorney-General of the United States, in the year 1824; and also an opinion of the late Mr. Justice Johnson, of the Supreme Court of the United States, delivered in a case arising under these laws in Charleston, South Carolina, in the year 1823. This latter opinion, for which a call upon the Executive was made by this House at the last session of Congress, contains a comprehensive and conclusive view of the whole subject, and, as the production of a native South Carolinian, can hardly be subject to the imputation of local prejudice.

That the operation of these laws is oppressive upon the memorialists, and greatly injurious to the general interests of commerce, the committee can see no reason and no room to doubt. For some of the stations on board both of our sailing vessels and steamboats, colored mariners are thought to possess peculiar qualifications. They are very generally employed as firemen, laborers, stewards, and cooks. The memorialists state that it is frequently necessary to employ them. The abduction of persons so employed immediately on the arrival of a vessel in port, and their detention at a heavy expense until the very moment of its departure, cannot be less an injury to their employers than it is an outrage on themselves. The opinion of Mr. Justice Johnson will be found to make mention of a case, in which, under the operation of these laws, "not a single man was left on board the vessel to guard her in the captain's absence!"

The committee are of opinion, that the memorialists are entitled to the relief for which they pray, and that important commercial interests, as well as the highest constitutional principles, call for the repeal of the laws in question. Congress, however, seems to have no means of affording such relief, or of effecting such a repeal. The Judiciary alone can give relief from the oppression of these laws while they exist, and the States which enacted them are alone competent to strike



them from their statute books. The committee cannot conclude this report, however, without putting the opinions at which they have arrived into a shape, in which they may receive the ratification and adoption of the House; trusting that such an expression of them may not be without influence in procuring for the memorialists, and still more for the oppressed and injured seamen in their employ, the redress which they rightfully demand.

They accordingly submit the following Resolutions:

*Resolved,* That the seizure and imprisonment, in any port of this Union, of free colored seamen, citizens of any of the States, and against whom there is no charge but that of entering said port in the prosecution of their rightful business, is a violation of the privileges of citizenship guaranteed by the second section of the fourth article of the Constitution of the United States.

*Resolved,* That the seizure and imprisonment, in any port of this Union, of free colored seamen, on board of foreign vessels, against whom there is no charge but that of entering said port in the course of their lawful business, is a breach of the comity of nations, is incompatible with the rights of all nations in amity with the United States, and, in relation to nations with whom the United States have formed commercial conventions, is a violation of the sixth article of the Federal Constitution, which declares that treaties are a part of the supreme law of the land.

*Resolved,* That any State laws, by which certain classes of seamen are prohibited from entering certain ports of this Union, in the prosecution of their rightful business, are in contravention of the paramount and exclusive power of the general government to regulate commerce.

*Resolved,* That the police power of the States can justify no enactments or regulations, which are in direct, positive, and permanent conflict with express provisions or fundamental principles of the national compact.

## NOTE.

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TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF  
THE UNITED STATES, IN CONGRESS ASSEMBLED :

Your petitioners, citizens of the United States, and some of them owners and masters of vessels,

RESPECTFULLY REPRESENT,—

That on board of that large number of vessels accustomed to touch at the ports of Charleston, Savannah, Mobile, and New Orleans, it is frequently necessary to employ free persons of color :

And whereas it frequently happens that such crews are taken from the vessels, thrown into prison, and there detained at their own expense, greatly to the prejudice and detriment of their interest, and of the commerce of these States :

They pray your honorable body to grant them relief, and render effectual in their behalf the privileges of citizenship secured by the Constitution of the United States.

And, as in duty bound, will ever pray.

Benjamin Rich  
Henry Oxnard  
Samuel Appleton  
J. Thomas Stevenson  
Benjamin Bangs  
Daniel P. Parker  
Theodore Chase  
Henry G. Rice  
S. C. Gray  
Abbott Lawrence  
Thomas Lamb  
John D. Bates  
John Dorr  
William Appleton  
Paschal P. Pope  
J. Ingersoll Bowditch  
Magoun & Son  
J. J. Dixwell  
S. Austin, Jr.

James S. Amory  
Francis J. Oliver  
Samuel May  
G. M. Thatcher  
Ozias Goodwin  
R. B. Forbes  
Samuel Whitwell  
James Savage  
Caleb Loring  
Thomas Motley  
Samuel A. Dorr  
William Ropes  
B. T. Reed  
C. J. Everett  
Robert G. Shaw  
Robert B. Williams  
George Hallet  
John G. Nazro  
Phineas Sprague

Samuel T. Armstrong  
James Dennie  
Henry J. Nazro  
Henry J. Oliver  
Joshua Crane  
Bramhall & Howe  
C. Wilkins & Co.  
George Thatcher & Co.  
Edward Oakes  
Charles C. Bowman  
John J. Eaton  
Henderson Inches, Jr.  
M. Brimmer  
T. M. J. Dehon  
Stephen Grover  
Thomas B. Curtis  
Joseph Ballister & Co.  
Josiah Bradlee & Co.  
James Parker

Henry Lee  
 Peter R. Dalton  
 B. C. Clarke & Co.  
 A. W. Thaxter, Jr.  
 Barnard, Adams, & Co.  
 James Huckins  
 Tapley & Crane  
 Billings & Bailey  
 J. P. Townsend & Co.  
 Samuel Welch  
 George Williams  
 Cyrus Buttrick  
 Frederick A. Sumner  
 Jos. Hunnewell & Sons  
 N. A. Thompson & Co.  
 Isaac C. Hall  
 Howes & Co.  
 Charles G. Loring  
 Franklin Dexter  
 Charles P. Curtis  
 B. R. Curtis  
 F. C. Loring  
 George T. Curtis  
 Thomas B. Pope  
 John R. Adan  
 John S. Eldridge  
 Joseph Balch  
 Benjamin Guild  
 Nath. Meriam  
 Lemuel Pope  
 C. Curtis  
 Edward S. Tobey  
 R. C. Mackay

John R. Brewer  
 Isaiah Bangs  
 John Q. A. Williams  
 Rice & Thaxter  
 Charles J. Morrill  
 Samuel Blake  
 Albert A. Bent  
 E. Williams, Jr.  
 Henry W. Pickering  
 Richard W. Shapleigh  
 W. Coting  
 William Worthington & Co.  
 Victor Constant  
 William Rollins  
 Cobb & Winslow  
 William Sturgis  
 George R. Minot  
 J. M. Forbes  
 Alfred C. Hersey  
 William Perkins  
 Robert G. Shaw, Jr.  
 E. Weston & Sons  
 Winsor & Townsend  
 Frothingham & Bradlee  
 Stephen Tilton & Co.  
 S. R. Allen  
 John O. B. Merrit  
 Robert Vinal  
 Gregerson & Cox  
 Reed & Howe  
 Robert Day  
 Lot Day  
 Jackson Riggs

C. Allen Browne  
 R. Lincoln & Co.  
 William H. Prentice  
 Benjamin Rand  
 W. Minot  
 Edward G. Loring  
 W. W. Story  
 Charles Henry Parker  
 George William Bond  
 Richard Robins  
 Henry Hall  
 James K. Mills  
 Edm. Dwight  
 P. T. Jackson  
 J. H. Wolcott  
 A. C. Lombard & Co.  
 T. H. Perkins  
 John C. Gray  
 Amos Lawrence  
 S. Bartlett  
 B. A. Gould  
 Benjamin C. White  
 W. H. Gardiner  
 Charles Jackson  
 William Prescott  
 William H. Prescott  
 N. I. Bowditch  
 Edward Pickering  
 George Morey  
 W. R. P. Washburn  
 A. A. Dame  
 John Pickering.

# THE

## SAFE KEEPING OF THE PUBLIC MONEYS.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, JANUARY 25, 1843.

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It is with no little reluctance, Mr. Speaker, that I enter into this debate. There is a well-remembered proverb of Solomon, that "from the fulness of the heart the mouth speaketh." I confess, Sir, that I have no fulness of the heart to speak from, in relation to the questions now before us. The whole subject of the currency has been so perplexed and embarrassed, by the deplorable collisions which have occurred between the President of the United States and the Congress of the United States, that no man can approach it without something of repugnance and aversion.

In reference to this subject of the currency, indeed, we have been tossed to and fro on the waves of party contention for almost ten years. A year or two since we were flattered with the belief that we were coming at last to port; but the objects which we took for land, and which were eagerly and joyously hailed as such from the mast-head, turned out to be only fresh reefs of rock across our course; and we seem to be now as far as ever, or even farther than ever, from the haven where we would be. In the mean time, the subject itself, as a matter of public discussion, has become "as stale as the remainder biscuit after a voyage."

Questions, however, seem likely to be taken before this report and resolution are disposed of, upon which any vote that one may give, will be so exceedingly liable to misconstruction, that I cannot consent to forego some explanation of my views.

Repeated challenges have been heard in this hall, for one man to rise in his place and say that he was in favor of adopting the Exchequer plan as originally presented to us by the President of the United States. I am not about to respond to these challenges, or to take up the gauntlet which has thus been thrown down. But I greatly doubt both the policy and the propriety of passing the pending resolution, and if compelled to give a vote on it at all, that vote will be in the negative.

Before proceeding, however, to any remarks upon the resolution itself, or upon the report by which it is accompanied, I desire to present some general views on the subject-matter involved in them.

And, in the first place, Sir, I wish to express the strong sense which I entertain of the obligation which is resting upon the Congress of the United States to make provision, by law, in some form or other, and without further delay, for the collection, custody, and disbursement of the public moneys. How is it with these moneys now? Who knows where they are to-day, or where they will be to-morrow? Who knows how they are collected, how they are kept, how they are disbursed? Who does not know that they are collected, kept, and disbursed, under the almost entirely unregulated and discretionary authority of the Executive? There is a section or two of an old law of 1789, and there is an amendatory act of 1822, — both of them exceedingly loose in their language and indefinite in their import; and there is also the resolution of 1816. The first of these acts merely makes it the duty of the Treasurer of the United States to receive and keep the public moneys, and to disburse the same upon the warrants of the Secretary of the Treasury, leaving all the subordinate agencies, through which the receipts and payments of this great nation are to be conducted, entirely without legal specification or selection. The second of them relates mainly to moneys appropriated for the War and Navy Departments, and supplies none of the defects of the previous act. And the resolution of 1816 prescribes only the medium in which the public revenue shall be collected. These comprise all the law there is on the subject. These are the *dissecta membra*, the dry and detached bones, of our existing fiscal system; and it is left to

Executive construction to knit them together as it can, and to clothe them with what body it pleases. The report of the Committee of Ways and Means admits all this, and declares that, since the late vetoes of the President, "the public moneys have remained in the hands of officers appointed by the Executive, without any definite regulation by law."

For one, I cannot feel that my duty to the country, as one of its humblest Representatives, is discharged, in leaving this discretion longer unchecked. Do gentlemen tell me, that we have tried twice to accomplish this object, and that our efforts have twice been defeated by the interposition of Executive vetoes? Sir, I am no vindicator of those vetoes, and no apologist for them in any degree. I join as heartily as any man in this House in deploring and condemning the use which has been made of this odious veto power, both in relation to this and other matters; though, perhaps, I may not think it consistent with the dignity and decorum which belongs to this place, to indulge in such expressions on the subject as have too often been heard here. But, so far from finding, in such considerations as these, any ground for relaxing our efforts in relation to the public moneys, I hold them to be additional reasons for persevering, until our duty has been accomplished. We are the Representatives of the people. We have something of peculiar constitutional responsibility for the safety of the moneys of the people. And because the Executive, whose discretion we desire to control and regulate, has seen fit, from any cause, I care not whether of conscience or of contumacy, to arrest and resist our interposition, shall we, therefore, forbear altogether, and leave him in undisturbed possession of the Treasury? I cannot so read our duty. On the contrary, if there be distrust of the Executive; if there be disapprobation of his policy or principles; if there be alarm or apprehension as to his aims and ends, and as to the means by which he seeks to accomplish them; there is all the more reason, in my judgment, for persisting in our attempts, until the public moneys shall be again placed under legislative securities and safeguards. Sir, if there be fear of a union of purse and sword, we have that union now, in the very form in which it first became the subject of Whig denunciation, when General

Jackson removed the deposits from the Bank of the United States; and it is for us, if that union must, in any shape, be continued, at least to provide, that it shall henceforth be a union regulated and restricted by law.

Thus far, it is true, our Treasury has been in little danger. Our poverty has been our protection. The utter emptiness of the public coffers has made it almost a matter of indifference who kept the keys, or whether there were any keys at all. *Cantabit vacuus coram latrone viator.* We have enjoyed something of the security of the penniless traveller, who whistles in the face of the highwayman. But a different state of things is not far off. I have no fear that the tariff of the last session, if only allowed to go fairly into operation, is about to be so ruinous to our revenue as some gentlemen have prophesied. Let the ability of the people to consume be stimulated, until it rises above the famine standard, above the almost starving and freezing point, to which an unchecked foreign competition with their labor has reduced it, and there is nothing in the present scale of duties which will prevent an ample influx of revenue. The country has seen higher duties than these, and an overflowing Treasury at the same time. Certainly, if the rigor of the cash payments should be mitigated by the adoption of that warehousing system, which, I am happy to say, has been matured by the Committee of Commerce this very morning, and if, too, this House could be prevailed on to impose a moderate, temporary duty on tea and coffee,—a measure which no one would feel as oppressive, and which a due regard to the public credit demands of us, in my judgment, to adopt before we adjourn,—we should witness a very different condition of the finances of the country at the commencement of the next session. But, at any rate, full or empty, exuberant or exhausted, the Treasury of the nation ought now and always to be under legislative regulation and control. This, Sir, is Whig doctrine, Republican doctrine, Democratic doctrine, Constitutional doctrine.

And now, Mr. Speaker, I have no hesitation in saying that a National Bank, of moderate capital, say fifteen or twenty millions at the farthest, with such limitations and restrictions as the experience of the last ten years has abundantly suggested, always

has been, and is still, my first choice for the fiscal agent of the Government. Nor has the profligate mismanagement of such an institution, which has recently been exhibited, destroyed or impaired my confidence in its value. No, Sir, no more than the monstrous misrule to which this nation has been subjected from time to time, during the last twelve years, has destroyed my confidence in the free and glorious form of government under which we live. I am rash enough to think, too, that this very moment would be, in many respects, a favorable moment for establishing such an institution; believing that, while our experience of the evils to which its bad management has exposed us, is still fresh and uneffaced, a bank would be established on safer and stricter principles, and on a less magnificent and dangerous scale, than at almost any time hereafter. The principles of the President have, however, rendered this an utterly impracticable idea.

But there are other modes which might be tried, and which ought to be tried, for the same end. If this Congress is willing to do nothing else, it might call upon the Secretary of the Treasury to set down in black and white, and to present to us in the form of a statute, his present working plan for keeping, collecting, and disbursing the public funds. We might examine it, amend it, and give it the sanction of a law. Better have any system, even a bad one, resting on written law, than no system at all, or than a bad system, resting on mere Executive will.

So strongly, Mr. Speaker, have I felt the impropriety of leaving the custody of the public treasures of the country longer at the mere discretion of the Executive, that, as events have turned out, I have more than once been inclined to regret, that the Sub-Treasury system itself was so summarily repealed. Odious and abhorrent as that system was regarded, I could hardly bring myself to vote for its entire repeal at this moment, were it still in existence, except by voting for the simultaneous substitution of something better. And I will do the justice to the party with which I am associated here, to say, that I believe it was no part of their original purpose, at the extra session, to repeal that system as an independent measure. It has often been charged, and often, as I think, most unjustly charged, that the Whig party were actu-



ated, at the extra session, by a desire to embarrass and perplex the President of the United States. There is far more ground, Sir, for charging them, in some cases, with too great a willingness to yield to his suggestions. That accusation of a spirit of compliance, which the honorable gentleman from Virginia, (Mr. Wise,) arrayed against us the other day, has, in my opinion, much more of foundation; though, perhaps, it hardly lies with the President's immediate friends to cast it in our teeth. The outright repeal of the Sub-Treasury system, as a separate act, was, as I understand it, a measure of pure complaisance towards the Executive. Its history was on this wise: The first bank charter had passed, and was under Executive advisement. Its signature would have repealed the Sub-Treasury system prospectively. Its veto would have left that system standing permanently. A suggestion was made, from some quarter or other, that the President took this course unkindly, — that it looked like a purpose to make him either sign the bank charter, or be responsible for the continuance of a system which he himself admitted had been condemned. It was thought that it would put him in better humor for a favorable consideration of the bank, if he were relieved from this predicament. And upon this hint, the Sub-Treasury repeal bill was hastily carried through. For one, I can hardly help regretting that such a course was taken. I would rather have left the Sub-Treasury system on the statute book, on the joint responsibility of those who originated it, and of those who prevented the adoption of the proposed substitute, until some third system should have been devised. We might have taken out the teeth of the monster. We might have extracted the poison from its fangs. We might have abolished the specie clause, a provision, which, as Mr. Gallatin has well remarked, was operative against those banks alone which continued to pay in specie, — “a warfare directed exclusively against those institutions which performed their duty, and, not without difficulty, sustained a sound currency.” And perhaps other beneficial modifications might have been ingrafted on it at a future day. But, as a system for keeping the public moneys, it was at least better than none, and might better have been left in existence until we could agree upon something to take its place.

After the expression of these views, Mr. Speaker, no one can be surprised, when I say that I prefer even to adopt that part of the Exchequer plan, which provides for the custody and disbursement of the public funds, to doing nothing; and that I am, therefore, entirely unwilling to cut myself off from the opportunity of supporting so much at least of the President's plan, by voting for the resolution before us.

But this is not the only part of the Exchequer plan, for which, under all circumstances, I am disposed to vote. I am not one of those who hold that the duty of the Government on this subject ends with making provision for the management of its own finances. I am no subscriber to the doctrine, which was heard a few years ago, that the Government should look out for itself, and should let the people look out for themselves. On the contrary, in relation both to revenue and to finance, the interests of the people should be embraced in every consideration of the wants of the Government. Especially, at a moment of such commercial embarrassment and depression as the present, we should contemplate, if possible, no measure of relief to the Treasury, which does not hold out some hope of relief to the community also. We all regret,—all of us at least who constitute the majority in this House,—that circumstances have prevented us from doing what we desired to do in this behalf. But, if we cannot do all that we wish, let us not fail to do all that we conscientiously and constitutionally can, trusting to other and greater opportunities for the ultimate fulfilment of our desires.

Now, Sir, I am one of those who believe, that a simple issue of fifteen or twenty millions of Exchequer notes, redeemable in specie, at sight, (and I would prefer them redeemable in the city of New York alone, or, at most, at one or two other points,) and resting on a basis sufficient to secure their redeemability from all danger and all doubt, at any and every instant when they might be presented, would be a very considerable convenience and relief, both to the Government and to the people. Government paper is, indeed, no prime favorite of mine, in any form. I regret that we have been under the necessity of resorting to it at all. But, as we have lived upon it already for five or six years, and seem not likely, at present, to obtain a national medium of cir-

culatation of any other kind, I am willing to try it in the most convenient shape. Nor can I agree with gentlemen who pronounce such a medium, based upon specie even to the extent of dollar for dollar, as not worth having. Something a little more liberal, so it were safe, might undoubtedly be preferable. Something more liberal would indeed be indispensable, so far as any relief to the Treasury is concerned; and the President's plan, accordingly, makes provision for basing an issue of fifteen millions of notes upon five millions of specie, and five millions of Government bonds to be negotiated as needed. Increase the authority to issue bonds to the full amount which might be necessary in any emergency for redeeming the entire issue of notes, and the safety of such a provision could hardly be questioned. The bonds would, in all probability, never be called for, and the Treasury would have an addition of ten millions to its resources at a moment when such an addition may be absolutely indispensable to the preservation of the public credit. But the mere substitution of paper for metal is certainly a great convenience to the people; and gentlemen forget one of the heads of their old arguments against a hard-money currency, when they spurn such a substitution as so utterly worthless and contemptible. Such a paper would be convenient for local payments, convenient for Treasury payments, and, more especially, convenient as a medium of exchange. Even Treasury notes, as now issued, at interest, and on time, are acknowledged to have been a great convenience and relief in all these respects. Indeed, it is almost impossible to conceive how the business either of the Treasury or of the people could have been conducted, during the difficulties and distresses of the last five years, without the aid of such an instrument of receipt and payment.

Mr. Speaker, there are other features of the Executive plan of an Exchequer about which I have many misgivings, and for which, I confess, I do not see my way clear to vote. I refer particularly to the power to purchase bills of exchange. There is certainly room to apprehend, that such a power would not be exercised wisely, even if it were exercised honestly, by those to whom it is proposed to be intrusted. In such hands it would, undoubtedly, be liable to great abuses, both from ignorance and

from intention. I have the strongest reluctance, too, to making any part of our fiscal system dependent on the assent of the States, — a condition without which this Exchange power could hardly receive the sanction of the President. I confess, Sir, it is rather late in the day for some of us to take umbrage at this condition. My venerable colleague (Mr. Adams) and the honorable member from Kentucky (Mr. Marshall) are perhaps the only members on our side of the House who are privileged to carp at it. All the rest of us voted for a most miserable compromise of this principle of State assent, in the first bank charter of the extra session, and we all remember the opening thunders of the gentleman from Kentucky on that occasion. We gave those votes with an honest desire to satisfy the President's conscience; but they only served to wound our own; and, for one, I am more willing to cry *peccavi*, in relation to that vote, than to have it recorded as a precedent for my future action. Nor do I believe that this Exchange feature of the bill, under all the limitations and restrictions which must be imposed upon it, would be so very great a boon to the country. Public opinion, in some quarters of the country certainly, has undergone great mutations on the subject of exchanges. Government regulation of exchanges is much less called for than it used to be. As the local currencies of the country become sound, the enormous rates of exchange are found to disappear. The aid which is now demanded of the government, is aid through the medium of currency; and to supply this aid to the exchanges is undoubtedly as far as any positive duty of the government can extend. The substitution of gold for silver, as the main ingredient of our metallic medium, as is strongly stated by my respected predecessor, (Mr. Appleton,) in his able pamphlet on the currency, has exerted a most salutary influence in lessening the rates of exchange. While the transportation of silver would hardly have been attempted between New York and Boston, for instance, with an exchange below one per cent., — gold is transported from one city to the other before the exchange can rise to a quarter of one per cent. But I will not dwell longer on the subject of exchanges, nor indeed on any of the other features of the Exchequer system. When the bill itself shall come up for

consideration, there will be ample opportunity for discussing its details; and I intend to leave myself at liberty to vote as I shall then think fit, upon each and every part of the plan. Meantime, I have said enough to show, that, though not ready to pledge myself to the entire Executive project, I am ready to adopt, if nothing better is proposed, some portions, if not the whole, of the bills which have been reported in the Senate and in the House. In so doing, I shall vote for that which many persons, in whose judgment I have the highest confidence, consider altogether harmless; for that, which many other persons, and myself among the number, regard as likely to be positively beneficial; and for that, which not a few persons will never believe is not the genuine specific, the Matchless Sanative, for all the troubles of the country, until it has been tried and found wanting. Above all, Sir, I shall vote for that, which may give something of at least temporary rest and repose to the public mind, on this long-vexed question of the currency, and which may satisfy the people that there is no purpose in any quarter to keep the wounds of the body politic open and bleeding, in order to excite party sympathy and stimulate party struggle two years hence.

I come now, Mr. Speaker, to a few remarks on the report and resolution before us. And before making them, I beg leave to bear my humble testimony to the ability, integrity, and patriotism of the honorable chairman (Mr. Fillmore) by whom the report has been prepared. I respond most cordially to the tones of honest indignation with which he yesterday repelled an infamous slander upon himself and his colleagues. And I trust that, in dissenting from some of the doctrines of the report, I shall not seem wanting in regard and respect for its author.

The report admits, on one of its earliest pages, that if it were possible to create such an institution, without increasing Executive power or endangering the Treasury, and to have it administered by men of undoubted talents and integrity, it would be capable of rendering some service both to the business wants of the country and the financial embarrassments of the Treasury. It immediately adds, however, "that to hope for this, is to expect a change in human nature itself, and in the ordinary mo-

tives that govern the conduct of men, and especially political men, little less than miraculous. Our institutions are based upon no such theory of human perfectibility."

Now, Mr. Speaker, the honorable chairman must pardon me for saying, that if this Exchequer plan of the President is too much based on a theory of human perfectibility, it really seems to me that his report runs quite as far to the other extreme, and rests its objections to the plan too much on a theory of total depravity and universal corruption. This, if I mistake not, is the great peculiarity of the report. Its arguments are able and forcible, but they are, almost all of them, arguments from abuse. Every possible evil which such an institution may produce, if intrusted to dishonest hands, is exhibited in its most alarming aspect. The advantages which it might render, if administered by honest agents, are disposed of a good deal more summarily. It really occurred to me, as I read this report, that my honorable friend might have taken as his text, in writing it, the saying of—I forget what statesman or philosopher of ancient Greece,—that the only safety in relation to human government is distrust—distrust—distrust; or, as a Roman poet conveyed the same idea,—"*una salus, nullam sperare salutem.*" Sir, it is not to be denied that something of distrust is useful in relation to all human governments, and more especially in relation to our own government. But it is equally undeniable that some degree of confidence, that a great deal of confidence, is not only useful, but absolutely indispensable, to the successful operation of every government, and even to the very existence of a free government. It is true, our institutions are not based on a theory of human perfectibility; but they are based on a theory of human morality, integrity, and virtue. This is the distinctive feature of free governments. It was laid down truly by Montesquieu, long ago, that the foundation principle of a despotism was fear; of monarchy, honor; but of a republic, virtue. And there must be public virtue as well as private virtue;—virtue in the government, as well as virtue among the people. The two things are in fact inseparable for any long period of time; for, a virtuous people will either expel a corrupt administration, or a corrupt administration will debauch a virtuous people. If virtue, there-

fore, shall indeed have taken its final flight from our public councils and from those who preside over them,—as this report would almost seem to intimate,—vain, vain, will be the attempt to bolster up our political fabric by any mere artificial machinery, or to prevent its downfall by any degree of distrustful vigilance. Sir, if such be really the deplorable and desperate condition of our republic, the passage of this resolution will do nothing to save it from ruin, nor will the adoption of the Exchequer plan be at all responsible for its overthrow. It will fall by its own weakness and its own weight, like any other structure whose corner-stone has already crumbled into dust.

But I do not apprehend so disastrous a catastrophe at present. I freely admit, that we have had no great encouragement to cherish any very implicit trust in our rulers for some years past. Within the last year even, we have seen demonstrations, and heard declarations, but too well calculated to check the flow, if not entirely to congeal the current, of that tide of returning confidence which came out to greet the accession of a new administration. But I am not willing to believe that the age of virtuous politics is gone forever. I trust that we may again see at the head of this republic, men, like those who have stood there in its early days; men, like those whom we have seen there in years within our own remembrance; men, who will feel, in entering upon public office, that they have been called to no pitiful job, but to a sacred function; men, who may be addressed in the words, though certainly not in the spirit, in which Macbeth was addressed by—the demi-demon, I had almost said, with whom his destiny was associated,

——— “Thou wouldst be great;  
Art not without ambition; but without  
The illness should attend it. What thou wouldst highly,  
That wouldst thou holily.”

And, Sir, if such a day should again arrive, how would the petty and paltry contentions which embitter and embroil us here, and in the prosecution of which the true interests of the nation are so often forgotten and neglected, be hushed into silence! How would the public prosperity revive, the public peace be restored, the confidence of the people in the government be

reassured, and the public faith resume again, in the eyes of all the world, that robe of stainless and inviolate sanctity in which it was first clothed by the fathers of the republic!

But, at all events, Mr. Speaker, whether this hope be realized or not, I do not think it quite time yet to base our systems, or our objections to systems, on a theory of universal corruption and corruptibility, or even upon the doctrine of my honorable friend who has just taken his seat, (Mr. Barnard,) that public office is the very worst school of morals on this side the penitentiary. This report would really seem to trust nobody in relation to finance and currency; not the President, not the Secretary, not the subordinate Executive agents, not the Senate, not the House of Representatives, not each individually, not all conjointly. The President will abuse the veto power; the President and Senate will abuse the appointing and removing power; the Secretary and subordinate agents will abuse their authority to keep the public moneys; and the Congress of the United States, even should it restrict the issues of Exchequer notes within a proper limit at the outset, will run into ruinous excesses in the end. "As you cannot check or control Congress on this subject, (says the report,) it would follow that we ought not to attempt to exercise this power."

Why, Sir, it is as much as ever that even a United States Bank can find a loophole of escape from the universal discredit in which the report deals. There is too much foundation for the remark of the minority of the committee, that some of the objections of the majority to this Exchequer scheme apply equally to a National Bank. As such an institution, however, was unquestionably intended to be excepted from any terms of distrust, I wish now to say a word or two on some of the expressions and some of the implications of the report on that subject.

The report seems to me to lay a little too much stress on what it denominates the watchful caution of the interested stockholders of such a bank. The private capital of a national bank is, undoubtedly, a great security for the safety of the government deposits; but the vigilance of stockholders has proved thus far to be a most miserable ground of reliance. Where has been the



watchful caution of interested stockholders, in the countless defalcations and frauds which have recently involved us in so much distress at home and so much disgrace abroad? This Argus of self-interest may have a hundred eyes, but it has never yet used one of them. It has been drugged and posseted into perfect blindness. The stockholders of our banks, and it ought to be spoken to their shame, have looked to nothing but the dividends, as long as there were any dividends to look to, while the directors, clerks, and cashiers, have exercised unlimited control over their concerns.

Sir, I have already said that a national bank was my first choice as the fiscal agent of this government; and so far as this report goes in asserting or in implying that such an institution is the first choice of the committee, I most heartily agree with it. But if it is intended to be implied that there is no second choice, — that this government can, under no circumstances and in no emergency, employ any other fiscal machinery, — I must dissent from the doctrine. I have no fancy for independent treasuries, in the sense in which this phrase has lately been used, but that this government ought not, in any case, to provide a system of its own, for keeping its own moneys, for managing its own finances, and for maintaining and regulating a national currency for itself and the people, I certainly am not prepared to admit. Why, Sir, let me suppose a case. Suppose that the first bank charter, which was passed by the two Houses at the extra session, instead of having failed through the veto of the President, had failed, as most people in my part of the country seem to think it would have failed, for want of subscribers to its stock, would a majority of this House, in that event, have felt it their duty to leave things as they were, and to abandon all further effort? Is it not even possible that, if we had come together at the commencement of the last session of Congress under such circumstances, and with no cause of complaint against the President, and no feelings of bitterness towards any body connected with the administration, we should have looked upon some such plan as this very Exchequer, with a good deal less of alarm and horror than we now regard it? Whether so or not, Sir, such an exigency might have occurred, and may occur again. Are we,

then, ready to say that Government cannot discharge its duty to itself and its duty to the people, unless the capitalists of the country will take stock in a bank? We who refuse to make any part of our fiscal system dependent on the assent of the States, are we ready to make that system entirely dependent on the assent of individual citizens? If not, why should we not do now, that which we should be willing to do in the case I have supposed? The same exigency now exists, though arising from a different cause. The impracticability of obtaining a bank at this moment is as clearly determined, by the refusal of the President to subscribe his name to its charter, as it would be by the refusal of capitalists to subscribe their names to its stock list. And though there may be much more right to complain in one case than in the other, the emergency is the same in both, and our responsibilities in both are alike and identical.

One word, Sir, in reference to another suggestion of the report, before I proceed to the resolution with which it concludes. A provision is contained in the President's plan of an Exchequer, and is improved upon, I believe, in the bills both of the Senate and House, to limit the removing power of the Executive in relation to the commissioners and other officers of the board. Such a provision undoubtedly does away many of the dangers of the system. But the report pronounces all this unconstitutional. It declares that Congress possesses no such power, and that any fancied security, built upon such a hypothesis, must prove fallacious. Now this was not the doctrine of the Whig Senate of the United States in days when a Whig Senate was all we had to rely upon. On the contrary, the Whig Senators of those days, with Mr. Clay and Mr. Webster in perfect harmony at their head, went strongly for the right and for the duty of such limitations. Some of them, indeed, went very much further than this bill proposes to go, and declared themselves in favor of reversing the decision of 1789; but none of them, I believe, made any question that limitations of some kind might be, and ought to be, made.

The report under consideration concludes with a resolution "that the plan of an Exchequer, presented to Congress by the Secretary of the Treasury at the last session, entitled 'a bill,

amendatory of the several acts establishing the Treasury department,' ought not to be adopted." This resolution is immediately preceded by the remark, that the committee deem the plan to be "essentially defective, and incapable of any modification, at least without an amendment of the Constitution, that could justify its adoption." I am told, however, that the resolution may be adopted without any reference to the report, and that it is not intended to reach beyond the precise bill which was furnished by the Secretary of the Treasury; and some of my colleagues and friends, from whom I do not differ materially in opinion, will vote for it, I am aware, with this understanding. But the common mind will not so construe the resolution. Nor does it seem reasonable, that we should be held to the precise provisions, phraseology, and punctuation of a particular bill, to which there has been no opportunity for amendment, and be compelled to declare affirmatively or negatively upon a resolution for its rejection. Why should such a resolution be pressed to a vote? Why not lay it on the table, as you do all other adverse reports? Why waste the time and temper of the House in discussing mere abstract opinions, instead of going into committee of the whole, and acting on the bill to which those opinions relate? I have no doubt, Sir, that the resolution was introduced into the House in a proper spirit, and with no unbecoming motives. I concur in no imputations on the Committee of Ways and Means. But there is not a little sensitiveness in many quarters, as to the movements of the present Congress upon this, and, indeed, upon every other subject. Every thing out of the common course, as this certainly is, will be imputed to sinister designs. Pass this resolution by an overwhelming vote, as I doubt not you will, if you insist on taking the vote in this form, and it will be regarded as an act of mere hostility to the President, and of mere retaliation for his bank vetoes. It would be regarded as intended to stamp something of peculiar reproach and unaccustomed reprobation on this measure and its author. It will look as if you desired the triumph of holding up this bill to the scorn and derision of the country, and saying,—here is Mr. Tyler's and Mr. Webster's famous fiscal project, with hardly one man so poor as to do it reverence. Now, Sir, I am not dis-

posed to shrink from any just or necessary act of legislation, for fear of misconstruction, or to save appearances. But on a mere amateur proceeding of this sort, I would give no vote which can be so misconstrued. "A thousand false eyes are stuck upon us." Let us not again gratify their malicious gaze. Let us disappoint, for once, their eager search for subjects of mystification and perversion. For myself, Sir, as I have already intimated, if a vote is insisted upon, I shall vote against the resolution ; both because I am opposed to the policy and propriety of such a proceeding, and because I am unwilling to foreclose all direct consideration of the subject, and to cut myself off from voting for the whole or any part of the Exchequer plan, now or hereafter. I shall give such a vote with the less reluctance, from the consideration that, in differing from great numbers of my political friends, I shall differ from, perhaps, an equal number of my political opponents. There were no party lines on this resolution in committee, and it is plain that there will be none in the House.

Mr. Speaker, I cannot feel justified in resigning the floor, as my hour has not quite yet expired, without alluding to a course of remark which has been persisted in, for some weeks past, in relation to the supposed author of this Exchequer plan. I am not here, sir, as the champion of the Secretary of State. Heaven help him, if he has not a more tried and trustworthy arm than mine to look to, if he shall ever require any other than his own ! He will, doubtless, say amen to this aspiration ; for I have no idea that he will thank me for many of the remarks which I have already made, or for many of those which I am about to make. He is, indeed, one of my most distinguished constituents. I might appeal, however, to the gentleman from Kentucky, (Mr. Marshall,) who counts among his constituents the great and gallant statesman of the West, to bear witness with me, that such a relation does not necessarily involve any thing of peculiar cordiality or confidence ; though, certainly, it cannot imply any thing of the reverse. But, at any rate, holding, as I do, that great injustice has been done to Mr. Webster, on more than one occasion, by gentlemen who have gone out of their way to introduce his name into the debate, no fear, either of personal imputation or of political misconstruction, shall make me shrink

from saying so. I should be unworthy of sitting here as the Representative of Faneuil Hall, and should hardly dare to look those who are accustomed to meet there in the face, were I to listen longer, without a word of protest, to the wholesale reproaches which have been cast upon one, who has so long been associated with their fortunes and their fame.

Sir, I was not at Faneuil Hall when Mr. Webster made the speech which has been the subject of such frequent allusion. I have read that speech, however, more than once; and, as I do not intend to be charged with any non-committal or concealment, I have no hesitation in saying that it contains many opinions which I deeply regret were ever expressed, and from which I entirely dissent. The idea, which seems to be implied in one part of the speech, that the Whigs of Massachusetts, in declaring "a full and final separation" from President Tyler, designed to commit themselves to an indiscriminate opposition to all the measures of his administration, good, bad, and indifferent, was certainly unwarranted by any thing which they had ever done at home, or which their representatives had ever done here. The opinion which seems to be conveyed in another part of the speech, that the Whig party in Congress deserved no particular credit for the recent passage of a protecting tariff; that, because twenty or thirty Whigs, in one branch or the other, voted against the tariff, and ten or a dozen of their opponents voted for it, while the great body of the Whigs had, from first to last, devoted their most strenuous efforts to its adoption, and the great body of the Van Buren party had labored incessantly to defeat and reject it; that, therefore, there was no party element in the proceeding, and no party credit for the result, was, to my mind, equally indefensible. It was confounding the rule and the exception, and placing both upon equal terms. The denial of the authority of the State Convention, also, to act upon matters which every Massachusetts Whig Convention, for ten years before, had been accustomed to act upon without qualification or question, was any thing but reasonable. But, Sir, there are other passages of this speech, upon which constructions have been put, which are utterly ungenerous and unjust. The idea, which has more than once been advanced in this House, that Mr. Webster's exclamation on that occasion,

"where do they mean to place me? where am I to fall?" — instead of being applied, as it was, simply and solely to his relations to the Whigs of Massachusetts, with whom he had stood so long on terms of confidence and respect, such as few other men ever before enjoyed — was an expression of a corrupt, base, unprincipled lust for office, or of an abject, craven, cringing fear of being turned out of office, is as unfounded as it is gross. It is wholly unsustained by the spirit or by the letter of the speech. The very next sentence to that in which these questions are contained, destroys all apology for such a construction. "If I choose to remain in the President's councils, do these gentlemen mean to say that I cease to be a Massachusetts Whig?" — This is the sum and substance of both the interrogatories which have been rung through these halls with so much scorn, and which have formed the foundation of this infamous charge of servility and corruption. The question, as to the collectors, attorneys, postmasters and marshals, is fairly susceptible of no other interpretation. And so, also, with that in relation to my excellent and distinguished friend, (Mr. Everett,) the present Minister to England. The inquiry, as to all of them, was whether, by this full and final separation from Mr. Tyler, the Whigs of Massachusetts meant to say that they intended to discard and denounce so many of their eminent brother Whigs who then were holding office, unless they either resigned or were turned out. And this is "the detestable doctrine" which has so disgraced Daniel Webster, and so desecrated Faneuil Hall! The questions may all have been uncalled for; but if they imply a love for any thing, it is a love of party and not of place; if a fear of any thing, it is a fear of being abandoned by friends, rather than of being turned out of office.

Sir, it would have been better, far better, for all concerned, if this little family jar in Massachusetts had not been meddled with by strangers, and if the parties to it had been left to scold it out among themselves. But I utterly protest against such an exaggeration of its details and history, and such a misrepresentation of the language which was used on the occasion. As to Mr. Webster's love of office, there is no evidence that this love is stronger in him than in many other gentlemen who are justly esteemed and honored in the land. He retained office, indeed,

when other gentlemen, his colleagues in the cabinet, retired. But there was as little reason in charging him with having held on to his commission from the mere love of office, as there would be in charging them with having resigned for the mere hate of office. These gentlemen, for whom I have always entertained and expressed the highest possible regard and respect, felt that it was due to their own honor to withdraw from the cabinet. They did so. And, though there were some of their friends who would have preferred that they should have remained, and put the President to his removing power, if he desired to get rid of them, yet all, all, acquiesced in their decision, and in their own right to make that decision for themselves. Mr. Webster, on the contrary, felt it consistent with his honor to stay, and carry on that great work of negotiation with Great Britain, upon which he had just entered. My venerable colleague (Mr. Adams) has recently told his constituents and the country that he advised him to stay, at least until that negotiation was concluded. "Thinking I was in a post where I was in the service of the country," says Mr. Webster, himself, in this Faneuil Hall speech, "and could do it good, I staid there. I leave it to you, to-day, to say, I leave it to my country to say, whether the country would have been better off if I had left also. I have no attachment to office. I have tasted of its sweets, but I have tasted of its bitterness. I am content with what I have achieved; I am more ready to rest satisfied with what is gained than to run the risk of doubtful efforts for new acquisitions." Who doubts, Sir, that Mr. Webster has tasted of the bitterness of office as well as of its sweets? Who doubts that he has had his perplexities and provocations, during the political hurly-burly of the last two years, as well as we ours? And who denies that, amid them all, he has discharged the peculiar and most responsible duties of his post, with unsurpassed ability and success? He has rendered great services to his country,—services which will prevent the present administration, unfortunate and odious as it may have been in many respects, from being quite so mere a parenthesis on the page of history as was at one time suggested. The treaty of Washington can never be passed over, in the future perusal of our annals, "without destroying the sense." It

may not catch the eye of the cursory reader, indeed, so quickly, as if it were written in letters of blood; nor may it occupy so large a space as the dread alternative it has averted; but it will be inscribed in characters which will rivet, as with a charm, the attention and admiration of every thoughtful patriot and every true philanthropist, and which will continually acquire fresh lustre with the advancing progress of civilization and Christianity. The light which flashes from the sword of the successful warrior may dazzle for a day, or even for an age; but a far more enduring radiance will encircle the names of those who have reconciled the proud and angry spirits of two mighty nations, and have honorably secured for them both the unspeakable blessing of Peace.

Mr. Webster has been charged with great and glaring inconsistencies on the subject of the currency and the Constitution; and this Exchequer project is declared to be in direct contradiction to the doctrines of his whole previous political life. Now, Sir, I am not going to argue this point. I have no idea that I could argue it to anybody's satisfaction, if I should try. I will not pretend to say that this plan does not, in my own opinion, contain provisions which Mr. Webster has opposed and condemned in other connections, and under other circumstances. But this I will say, that the great and leading idea of almost all his speeches against the Sub-Treasury system was, that it was an entire abandonment of the power and duty of the General Government to regulate the currency and the exchanges. Wherever he addressed the people, in Wall street or in State street, at Saratoga or at Bunker Hill, this was the burden of his argument. And, so far as this argument is concerned, he is entirely consistent in advocating the Exchequer plan. But if it were not so, Mr. Speaker, I confess that I have yet to see evidence that, when arraigned, in reference to this project, on the mere score of consistency, Mr. Webster might not avail himself of the answer of an Athenian orator on a similar occasion, and say, "I may have acted contrary to myself, but I have not acted contrary to the Republic." The merits of this measure, if it has any, are certainly independent of any man's consistency. It has been devised under circumstances unlike any which ever



existed before in the history of this country, and unlike, as I heartily hope, any which will ever exist again. It has been brought forward, as I believe, in good faith, and with an honest purpose for the public welfare. If any part of it, or if the whole of it, be regarded as unwise, inexpedient, or unsafe, by this House or by the country; if it be really "the terrible machine" which the report declares it to be, which would "overwhelm the Treasury with bankruptcy, corrupt the government, and lay a foundation for the most dangerous political favoritism and universal corruption;" and if it be really "incapable of any modification which would justify its adoption;" — let it be rejected. These opinions of the committee, however, as I have before suggested, appear to me exceedingly extravagant. I have seen no occasion for such a hue-and-cry against the plan, nor for such reproaches upon its author; and I have accordingly felt bound to say so, in utter disregard of any imputations to which such a course may subject me.

THE

**CREDIT OF MASSACHUSETTS VINDICATED.**

A SPEECH DELIVERED AT FANEUIL HALL, AT A MEETING OF THE WHIGS  
OF BOSTON, OCTOBER 12, 1843.

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It is a pleasant sight, Mr. Chairman, to see the Whigs of Boston once more assembled in such good numbers, and in such good spirits, to consult together for the renewed vindication of their long-cherished principles. It is grateful to reflect, too, that there is so much in the circumstances and signs of the times to justify the animation which seems to pervade this meeting. The tidings which have come to us during the past week, from our friends in other parts of the country, are certainly of the most encouraging and cheering character. They have come upon us with something of the suddenness of an electric shock; and as the spark has coursed along our veins, and vibrated upon our heart-strings, we have felt a fresh assurance that the bonds which have so long united the Whigs of the Union as brethren, are not yet broken. I trust that these tidings will have an influence beyond this hour and beyond these walls. I trust that the great principles of the Whig party will be commended anew to the consideration of every citizen in the Commonwealth; that they will be pondered afresh and more deeply than ever before, in the field and in the counting-room, over the plough and over the spindle and at the fireside, in view of every thing that concerns the business or comes home to the hearts of the people; and that the second Monday of November will find not only city responding to city, Boston to Baltimore,—but State answering to State, Massachusetts giving assurance to Maryland and to Georgia, that in the North and East, as well as in the South

and centre, the old Whig watch-fires are once more kindled—the old Whig spirit once more roused!

The resolutions which have just been read, relate almost exclusively to the politics of Massachusetts; and it has been thought best, by those who have been selected to conduct the affairs of the Whig party during the present year, and to whose peculiar province it belongs to draw up the plan of our annual campaign, that the contest for which we are assembled to prepare, should be conducted mainly with reference to the administration of our own Commonwealth. There is a great and manifest propriety in this course. It is a plan of proceeding entirely reasonable and eminently seasonable. The present year affords us a peculiarly fit and favorable opportunity for attending to the affairs of our own Commonwealth, and one which may not soon occur again. The approaching election is exclusively a State election. In some few of the districts, it is true, the people will be called on to make fresh trials for the election of Representatives in Congress, owing to their unfortunate failures to effect a choice at the regular period. But here, certainly,—and I may take occasion to express my deep gratitude for any thing of personal confidence or kindness which may in any humble degree have contributed to the result,—here we have no such failures to retrieve. The Whigs of Boston may sometimes be reproached for not making their majority large enough to counterbalance the minorities of their neighbors, in the general returns of the State,—a reproach which I trust they will not subject themselves to again this year,—but they rarely fail to do up their own work fairly and fully on the regular day. In Boston, therefore, and in this part of the Commonwealth generally, the people will be called on, at the ensuing election, to vote exclusively for State officers. Next year, as I need hardly remind you, we shall enjoy no such unmingled opportunity of expressing our minds as to the administration of our State affairs. Next year, the great quadrennial contest of the Presidency will be upon us. I will not anticipate its arrival. “Sufficient unto the day is the evil thereof.” But this I may safely predict of it,—that it will come back to us under circumstances which more, even, than ever before, will absorb all our thoughts and engross our whole attention.

There will be no chance for looking after local politics, in the

hurly-burly of the next Presidential struggle. Not until that "hurly-burly's done," not until that "battle's lost or won," when it has once opened, shall we be in a condition to look to any issues less broad than those which concern the whole country. Now, then, while we have opportunity, let us look at home. Now, then, while we may, let us remember, that let what will happen to the Nation at large, — let who will be permitted, either by any dispensation of Providence, or by any delusion of the people, to defeat or disappoint the just expectations of the Nation, — we have here a community of our own, institutions of our own, an administration of our own, embracing within the sphere of its influence the nearest and dearest interests of ourselves and our children, for the purity and preservation of which we, and we alone, are responsible. Now then, I repeat it, if there be any thing wrong in the condition of old Massachusetts; if any breach has been made in the walls and fences of the old homestead; if any strip and waste has been committed on the old family premises; if any trespassers have invaded our firesides, and overthrown, or threatened to overthrow, our very altars and household gods; now, now is the time for restoration and redress.

And how is it with our beloved Commonwealth? How has it fared with her during the past year, and how is it with her now? Who are in possession of her high places, how have they come there, and how have they manifested their title to the continued support and confidence of the people?

Strange scenes — strange scenes, certainly, have been witnessed, and strange sounds heard, within the walls of the capitol of Massachusetts during the last year. It is my fortune, — I should rather say, I owe it to your favor, — to have witnessed these scenes from a distance; but distance, I assure you, has lent no enchantment to the view. No true son of Massachusetts, no one who has a true sense of what belongs to her character and her honor, could have read the proceedings of her Legislature, or of her Executive, during the last winter, however distant he may have been from the scene of action, and however free from any mere party preferences or prejudices, without feeling his blood burning in his cheek and tingling to his fingers' ends. The cir-

cumstances which attended the organization of the government; the utter disregard for the dignity of the Senate, manifested by the majority in forcing into the Presidential chair, against his will, a person confessedly incompetent to discharge its duties, and who was compelled to abandon his post within a week after his election; the systematic attempt to smuggle into the other branch of the Legislature an irregular and illegal vote, for the purpose of securing a party majority in the choice of a Speaker; the mingled corruption and treachery by which the majority in joint ballot was but too plainly procured; the summary expulsion from office of such men as then occupied the posts of Secretary and Treasurer, and the hunt which was obliged to be instituted for a responsible person to take charge of the public moneys, reminding us almost of the old philosopher with his lantern, hunting for an honest man; — these, with their accompanying incidents, were enough to fill with disgust and indignation all, all, who had hearts for the prosperity and honor of the Old Bay State.

And yet they formed, after all, but the appropriate prelude to the mingled tragedy and farce which followed. They were but the fitting overture to that series of Legislative and Executive acts, which signalized *the triumph of the false democracy over the true*. They formed, especially, but the becoming introduction to that Executive message with which the serious business of the session commenced. Not soon shall I forget the emotions with which I perused the late message of Governor Morton, on its arrival in Washington. Not soon shall I forget the indignant expressions of my honorable and excellent friend, the late member from Salem, (Mr. Saltonstall,) who chanced to be at my elbow when the mail brought it in to us at midnight, as I read it aloud to him. Five hundred miles away from home, associated with the representatives of other States, we had something of that sensitiveness on the subject of old Massachusetts, something of that jealousy as to every thing which might affect her reputation and renown, which travellers in a foreign country are wont to feel as to the native land they have left behind them. And what was our humiliation at hearing from her own Council Chamber, as from authority, such per-

versions of her past history, such reproaches upon her present condition, such an abuse of her previous rulers, such insinuations as to her credit, such imputations upon her integrity, such an impeachment of her honesty! If it had been a stranger who had said these things we could have borne it. No—let me not say so—we could not have borne it. If any citizen of another State had uttered such a tirade against old Massachusetts, if a member of Congress from any other part of the country had indulged in such reproaches upon her policy and principles, we should have felt,—every one of the Massachusetts members of Congress, (Mr. Parmenter, I am sure, not excepted,) would have felt,—that it must not pass unanswered and unrebuked. Our constituents, of both parties, would not have held us guiltless, for suffering it to go by in silence. But it was no stranger; it was our brother; our fellow-citizen; our chosen Chief Magistrate, with the highest honors of the Commonwealth freshly cast upon him,—with the robes of office in their newest gloss upon his back. What a return for honors conferred! And what an inducement, too,—what a consideration, for a renewal of those honors now! Why, fellow-citizens, the citizen of Massachusetts who should now approach Governor Morton to lend him his support, as he presents himself again for our suffrages—after the libels he has uttered on the character of the Commonwealth—must approach him, I should imagine, in something of the spirit in which Shakspeare's Shylock represents himself as approaching the Merchant of Venice to lend him moneys:—

“ He should bend low, and in a bondman's key,  
 With 'bated breath, and whispering humbleness,  
 Say this —  
 Fair Sir, you spit on me on Wednesday last,  
 You spurned me such a day; — another time  
 You called me *dog*, and for these courtesies  
 I'll give you my vote. You shall be our Governor.”

Mr. Chairman, I have no purpose to enter into any detailed analysis of the late Governor's Message, or of the Legislative proceedings by which it was followed. This work has been done, ably, admirably done, already, by those who have had far greater opportunities than myself,—by those who have

related things which they saw, and part of which they were. But I shall be pardoned for dwelling on one or two of the points in the message of Governor Morton, and in the conduct of his party in the Legislature, which have impressed themselves most deeply on the mind of one who has looked on at a distance.

And first, I desire to say a word as to the language of the Governor, in relation to our State credit. Sir, if there has been any thing as to which the people of this Commonwealth have felt, and have had a right to feel, a true and lively satisfaction, a just and generous pride, during the past ten years, it has been the credit of Massachusetts at home and abroad. We have seen the scrip of the Commonwealth, as is well said in these resolutions, first among the foremost in the world; always commending itself to the confidence of capitalists; often selling where no other scrip could find a market; often sought for when it was not to be found; and, in the worst of times, commanding a higher price than that of any other State in the Union. No delay to pay interest, no denial of the obligation to pay principal, elsewhere,—no repudiation, expressed or implied, has sensibly affected its value. The mildewed ears of other States have not been able to blast their wholesome brother here! Let me recount a little incident, which is only one among a hundred within every body's knowledge, to illustrate the estimation in which Massachusetts stock is held. I remember being called from my seat by a distinguished foreigner, of great intelligence, last winter, to converse with him about the credit of the States; and I remember the pride I felt when he told me, that after a careful examination of the whole subject, he had come to the conclusion that Massachusetts stock was the best State stock in the world, and that, although he had invested his funds heretofore in the stock of a State in which the name of repudiation had never been breathed, and where interest and principal had always been punctually paid, he had determined to sell out this stock at a discount, and buy in Massachusetts stock, even at a premium. There was one other stock, he did, indeed, say that he should have preferred. It was not a State stock, and the mention of it in no degree alloyed my satisfaction or diminished my pride. It was the stock of the good old city of Boston,—which, he said,

was the very best in the world; but as this could not be procured for love or money, and as he wished to feel perfectly safe and easy in leaving a little money behind him, while he made a visit to his own home, he was resolved to obtain the stock of Massachusetts at any sacrifice which might be necessary.

But what was the language of our own Governor in regard to this State stock of ours in his last message? "I cannot refrain from the expression of my apprehension, (says he,) that the investment of it (the School Fund) in the scrip of the Commonwealth, may endanger its ultimate safety." And he then proceeded seriously to submit to the wisdom of the Legislature, whether a different investment of that fund might not be safer. Something safer than the bond of Massachusetts! Something more reliable than the honor and faith of the old Puritan State! And this, too, from one who has had the undeserved distinction of affixing his signature to great numbers of these bonds, as Governor of the Commonwealth! I trust that his wish was not father to this thought! I trust that no willingness, no desire, no determination to have the old forebodings of himself and his party, as to these loans of credit, fulfilled, has led to such an expression. I trust in Heaven, that this idea has not been advanced in this message, to prepare the way for the doctrine of repudiation in the next! Prepare the way, do I say! With grief and shame I pronounce it, the late Message of Governor Morton seems to me not only to have prepared the way, but to have advanced the doctrine outright,—certainly to have implied it, with a distinctness which admits of no misinterpretation or mistake. What does he say further, in regard to this School Fund of ours? Let me read the very words, for fear of being thought to misquote or pervert. "Should any of the Corporations (he says) to whom this scrip has been loaned, fail to pay the interest or the principal when due, the only security—mark it, *"the only security"*—which the School Fund would have, would consist in the will of the Legislature, to impose an annual tax, to be paid to the several towns for the support of the town schools." Not a word here about the solemn obligation of the State to redeem her scrip, her whole scrip,—to pay interest and principal, both to the uttermost farthing, whenever and



wherever due, without regard to the persons by whom it is held, or the purposes to which it may have been devoted! Not a syllable of all this. Nothing of that manly, honest, high-toned assertion of the inviolability of State Faith, which has been accustomed to be heard, and which always ought to be heard, from the high places of Massachusetts. But, on the contrary, the idea is deliberately held out, that if the Railroads should not pay, the scrip would become worthless, the School Fund would be lost forever, and the only relief for the cause of Education, would rest on the discretion of the Legislature, manifesting itself by annual appropriations in its behalf. Gentlemen, I was about to say that this was repudiation in disguise; but the more I think of it, and the oftener I read it, the more it seems to be repudiation without any disguise whatever—so plain and so palpable, that he who runs may read,—so naked and so unblushing, that he who reads would almost be ready to run!

Indeed, there is a refinement on the common and ordinary doctrine of repudiation, in this message of Governor Morton, which has had no precedent, and which I venture to say, will have no parallel, elsewhere. What is the real gist of this suggestion as to the School Fund, when stripped of its specious phraseology, and presented nakedly to the view? It is nothing less than this,—that the State should take measures, without delay, to get rid of any of its own scrip, which it may happen to have on hand, in contemplation of voluntary bankruptcy, in the very view, and almost with the purpose of repudiation;—that the State should put off, as fast as possible, upon others, its own notes of hand, for fear they should become worthless! What an idea is this, for the Governor of Massachusetts to advance. Why, the beauties of modern banking afford nothing richer than this! The raciest annals of modern financiering, furnish nothing more racy! Change the investment of your School Fund, says the Governor, and sell off to others—to the ignorant or unwary foreigner, whose friendship to your country and its liberties, may have given him a confidence in its credit—your own stock, which you are afraid to keep yourself! What a recommendation! And this under cover of a most laudable concern for Education and the Public Schools. In Heaven's name let not the holy

cause of Education be associated with such dishonor! Do not let it be heard of, that our common schools, the pride and glory of the State, have been sustained and saved from overthrow,—if indeed their preservation depends at all upon the School Fund,—by such an indirection! Let not, above all things, our children hear it even whispered, that the funds by which they are educated, were not only considered unsafe while invested in the solemn obligations of the State, but that the investment was changed in order to shift the losses of State bankruptcy and State repudiation on other shoulders. Rather than such an example of dishonest thrift should be connected with the sacred institutions of education, let the School Fund perish, and I had almost said the schools with it. I would not undervalue the cause of sound scholarship, nor depreciate the importance of any foundation for disseminating it among our children; but if the alternative be whether the fund shall be lost forever, or such an act of dishonor be committed, I cannot hesitate for an instant. The education which should come from a fund so saved, would come, like the knowledge of good and evil to our first parents, clothed with a curse!

Sir, the character of our Commonwealth; its ancient reputation and renown; its hitherto unsullied and unsuspected honesty; its unimpeached and unimpeachable good faith; the examples of its good men and its good deeds;—these are themselves an education to our children! They constitute a part, and no inconsiderable part, of that high moral education, compared with which the best learning of the schools is hardly worth the sweepings of the halls in which it is communicated. Let not the force of these influences and these examples be impaired. Let the School Fund stay where it is, and if there be any danger—which I totally deny—that repudiation could ever become the policy of Massachusetts, this very investment may arrest such a danger. Our interest in education will come in aid of our State pride. Our love for our children will mingle with our love of honor and our obligations of conscience, and will save us from plunging the State into such irretrievable disgrace. And, let me add, that if the School Fund be not safe in the scrip of the State, it is safe nowhere. If our love of honor is once lost, our love of education

will soon follow. Once repudiate our honest debts, and, even were this School Fund saved from the wreck now, at the very next temptation it would be diverted from the purposes of its establishment. Repudiation, once admitted and entertained, will contaminate our whole system, — will infect our entire policy. It will be that first step which costs, and its cost will be our whole character.

Let us, then, rebuke the first suggestion of such a doctrine. Let us prove to Governor Morton, at the next election, that he cannot cast suspicions upon the good name of the Commonwealth, and propose measures which would more than justify those suspicions, with impunity. Let the man who desires something safer than our State scrip, be taught that he must seek some safer place than the Executive Chair for saying so!

Mr. Chairman, the course of remark of his Excellency, in relation to the credit of the State and the safety of the School Fund, is, after all, only a fair illustration of the spirit which pervades his whole message; — a spirit, which I cannot characterize in more courteous terms, than to say that it is one of unscrupulous perversion and misrepresentation for mere party purposes; a spirit, which sticks not at defaming the Commonwealth itself, and dishonoring it before the world, for the sake of casting reproach upon other parties and previous administrations, and of attempting to magnify the merits and to prolong the period of his own; a spirit which seems to regard truth, honor, faith, even the old trophies of our fathers' glory, every thing, as indifferent, save personal or party supremacy, and which considers these as cheaply purchased, by almost any amount of imposition and pretence.

We see this spirit displayed again in relation to the annual expenditures of the State, — in that flagrant misstatement, more especially, that the State had expended more than twelve hundred thousand dollars, during the last eight years, over and above its receipts, and was actually in debt to that amount; a declaration which has no other shadow of truth to rest upon, than the fact that the Commonwealth, during one of those eight years, saw fit to subscribe for a million dollars' worth of stock in the Western Railroad. And this act, which took place under the

lead of one of Governor Morton's own friends,—now, by some extraordinary political legerdemain, installed in the office which had been vacated by the proscription of the faithful and patriotic Lincoln,—this subscription, forsooth, is set down as an ordinary expenditure, and is relied upon as justifying the reproach upon the State, of having vastly exceeded her income.

Sir, I have no idea of following the Governor through all these exaggerations and perversions on the subject of our State expenditures, but there is one view of these expenditures which I desire briefly to present to you.

How is it, let me ask, how is it, that the aggregate of State outlay and State liability have been so augmented within the last eight or ten years? It has been, as every body knows, by appropriations to the erection of Insane Hospitals, to the support of Asylums for the blind and the deaf and dumb, to the encouragement of our volunteer militia, to the agricultural, geological, and territorial surveys of the State, and to the construction of that system of railroads, which has made every man in the State the neighbor of every other man, and the State itself the neighbor of every other State. These have been the objects upon which the public liberality has been so largely bestowed.

Now, Sir, our opponents are not to be permitted to sit on two stools, or to ride on two hobbies at the same time. It is against reason, it is against nature. They are not to be permitted to justify and eulogize the object of an expenditure, and yet to disavow and denounce the expenditure itself. They must either approve both, or condemn both. They cannot be permitted to claim the credit of parsimony and liberality, of economy and generosity, in the same breath. They must either hate the one and love the other, or they must hold to the one and despise the other. It is as true of institutions and of improvements as of individuals, "you take my life when you take the means I have to live." And they are to be allowed no credit for the existence of public works, on the strength of mere vague and indefinite eulogies of them, after they are completed, who cease not to decry the means by which alone they could have been undertaken. Let, then, the friends of Governor Morton choose which

horn of the dilemma they will. Will they be content to be stigmatized as the enemies of these noble charities, of these beneficent institutions, of these magnificent public improvements, which have illustrated the policy of the Commonwealth during the last ten years, — or will they consent to take their share of the responsibility for whatever of liability or outlay they may have cost? One thing or the other they must do. And for one, as a Massachusetts Whig, I care not a straw which. I wish to divide the responsibility of this portion of our State policy with no party that is not willing — nay, that does not desire — to share it. It is as much as ever that I am willing to divide it with those who do. I adopt the idea of a celebrated ancient lawgiver, who, when he was arraigned for extravagance, declared that he would gladly submit to the charge, if all the noble works to which the public moneys had been appropriated could be inscribed with his own name, instead of being called by the name of the city over which he had presided! Yes, let all the noble institutions, and edifices, and enterprises, and improvements, which have been aided by the appropriations of State money or State credit, be called by the name of the Whig party, and be admitted as exclusively the results of Whig policy, and our opponents may carp and cavil and rail at the cost as much as they please. Why, what is the paltry debt, or even the more considerable liability of Massachusetts, when compared with the value of the objects for which they have been incurred and contracted? Is there a man here, is there a man in Massachusetts, who would undo all that has been done for the relief of suffering, for the promotion of science, for the ascertainment of the real resources and rightful boundaries of the State, and for facilitating the intercourse of our citizens and the interchange of their commodities, for the sake of wiping off the little debt of the State? There are many men who will say that they would do so, for mere party effect. But if the thing were possible; if by the rubbing of some Aladdin's lamp, our hospitals and asylums could be razed to the ground, and their now happy inmates be remanded to the destitution and the dungeons from which they have been rescued; if by the utterance of some magic phrase, some "presto — change," our railroads could be annihilated, the

rocks and hills be again exalted between us and Albany, the valleys again be made low, the straight be made crooked and the plain places rough; is there a man in the Commonwealth who would take the responsibility of the act, in order to cancel the few millions of State bonds which have been issued to pay for them? Until such a man be found, let us hear no more of these absurd and hypocritical lamentations over the loans and liabilities of Massachusetts.

I had intended, Mr. Chairman, to allude to other parts of the Governor's Message, and to other features of the policy of his supporters. I had proposed, especially, to allude to that assault which was made, at the last session of the Legislature, upon the independence of the judiciary by the unconstitutional act which was so rashly adopted for reducing the salary of the judges. I wished, also, to have borne my humble testimony to the characters and qualifications of our candidates for Governor and Lieutenant-Governor, — GEORGE N. BRIGGS and JOHN REED, — men with whom it has been my privilege and my pride to be associated in the Councils of the Nation, and for whom I entertain the most profound respect, as well as the warmest personal regard. But there will be opportunities hereafter. Other gentlemen are present to address this meeting, and I hasten to make way for them. Let me not conclude, however, without a closing word of appeal. It has been quite too common, I am aware, for politicians to call every thing a crisis, and the phrase has almost passed into a byword. But critical periods in the history of Commonwealths do nevertheless occur, and it would be a fatal delusion, if we did not feel and realize that such a period has now arrived in the history of Massachusetts. This old Commonwealth of ours has hitherto occupied a proud and lofty position in the eyes of the world. It has exercised an influence, not easily to be exaggerated, on the destinies of the nation. There has been a stability about her institutions, a steadiness in the character of her people, a consistency in her political course, an unyielding devotion to the cause of liberty and law, which have given her a name and a praise in all the land. Yes, the old Pine Tree, from the earliest day in which our Fathers transplanted it to these shores, and adopted it as the emblem of

their infant Republic, has been seen standing in ever-during verdure, — broken by no blast of adversity, withered by no heat of prosperity, still striking its roots deeper and deeper in the storm, still lifting its branches higher and higher in the sunshine! But an unfilial hand is now raised against it. Sir, Massachusetts will cease to be Massachusetts, if the policy of her existing administration shall be permanently sustained. Her name may be left, her place on the map may be unaltered, her territory may be unchanged, and the monuments of the noble deeds of her Fathers may still stand thick on her hills and plains; but if such a policy is to prevail in her councils, her glory will be a merely historical glory; her honor will belong only to the records of the past! She will cease to be that Massachusetts which we have so long loved and respected; that Massachusetts which has been pronounced "the Model State" by foreign travellers; that Massachusetts, which has extorted the homage of an ill-disguised envy, even from those few of her sister States, from whom she has failed in winning the tribute of admiration and affection!

Let us, then, redeem her, before it is too late. Let us rescue her, while she is still worthy of being rescued. Let us resolve to place her once more in a position, in which she may be true to herself, true to her own character and her own children, and true to the whole country! Let us restore her now to a condition, which shall not only give assurance that her own Constitution shall be maintained, her own credit vindicated, her own honor upheld, but that a majority of her citizens shall be in readiness, when the great National line shall be again formed in May next, to march with unbroken ranks to their old place under the old Whig banner, and to do battle under whatever commander may be selected to lead us on to victory!

## THE RIGHT OF PETITION.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, JANUARY 23, 1844.

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MR. SPEAKER, —

It seems to have been the fortune of this House to be employed, during no inconsiderable part of the time since the present session commenced, in discussing what are called first principles. For eight or ten days, not long since gone by, we were occupied with the consideration of that great writ of personal liberty, the *Habeas Corpus*. And, in the course of that discussion, doctrines were advanced, in some quarters of the House, to my mind not a little strange and startling, and upon which I desired at the time to have made some comments. But, in common with many other gentlemen better entitled to a hearing, I attempted in vain to obtain the floor for that purpose. We have now been engaged, during the morning hour of many days, in a debate on a second great principle of civil liberty, — the Right of Petition. And upon this subject opinions have been expressed, and positions maintained, which are even more extraordinary and more startling; and from which I am glad of an opportunity to declare my utter dissent.

The idea, that the right of petition does not imply the right of having a petition received! The doctrine, that the right of the people to apply to the government for redress of grievances does not involve any obligation on the part of the government to heed, or even hear, that application! The position which has been seriously maintained here, that all that was ever intended by the right of petition, was the right of individuals or of assemblies to prepare and sign a paper, setting forth the grievances



under which they are suffering, and the redress which they seek; and that it was no part of that intention to secure to that paper any consideration or entertainment whatever from those to whom it is addressed! Why, Sir, these doctrines seem to me about as reasonable as it would be to contend, that the privilege of the writ of *Habeas Corpus* implies no obligation on the part of the officer to whom it is directed to regard or obey the writ, and no duty on the part of the government to execute or enforce it; but that it is only designed to secure to an imprisoned citizen the satisfaction of having the writ itself, duly signed and attested, to amuse himself with in his solitary confinement,—to meditate upon by day, or to put under his pillow to dream upon by night! They seem to me about as reasonable as it would be to maintain, that the freedom of the press extends only to the freedom of the mechanical enginery of the press; that it was only intended to secure the rights of individual printers to compose, set up, and strike off, such matter as might be agreeable to them; but that it does not reach to the privilege of publishing or circulating that matter after it is struck off! In a word, Mr. Speaker, if the right of petition is really nothing more than it has been represented to be by some of the honorable members who have preceded me in this debate, it is, in my judgment, as poor a pretence, as miserable a mockery, as empty and unmeaning and worthless an abstraction, as was ever dignified by a swelling name or a high-sounding title; and the sooner it is expunged from the roll of civil liberty, the sooner it ceases to hold out to the ear a promise only to be broken to the hope, the sooner will the people understand what rights they really do possess.

But, Sir, I desire to proceed with this subject a little more methodically, and to notice with something more of precision and exactness the arguments which have been adduced in favor of these doctrines.

The question before the House is, whether the rule, which has obtained a most odious notoriety, in many quarters of the country, under the name of the twenty-first rule, and which has lost nothing of its offensiveness by recently assuming the *alias* of the twenty-third rule, shall remain as one of the permanent rules and orders of the present Congress. This is the question plainly

presented in the instructions which have been moved by the honorable member from Georgia (Mr. Black;) and this is the question no less plainly involved in the simple motion to recommit the report. And what is this rule? It is a rule providing that no petitions, resolutions, memorials, or other papers, on certain enumerated subjects, shall be received by this House, or entertained in any way whatever. Now, Sir, I care not what those enumerated subjects are. I hold it entirely unimportant to this argument to state them. Whatever they may be, the principle of the rule is, in my judgment, the same. If this House may declare to-day that it will receive no petitions on one class of subjects, it may to-morrow declare that it will receive no petitions on another class of subjects; and, on the third day, it may refuse to receive any petitions at all. The real inquiry is, have we a right to prescribe to those who have sent us here on what particular subjects their prayers shall be heard in these halls? Is it within our prerogative to say to the people of the United States — “Gentlemen, you may assemble together in what numbers you please, to consult upon what you may choose to consider your grievances; you may sign your petitions individually or collectively; you may adopt resolutions in your primary meetings, or in your legislative assemblies; but if those petitions or resolutions contain any allusion to this, that, or the other topic, we will not receive them, or entertain them in any way whatever?”

Sir, I utterly deny the existence of any such right on our part. I hold it to be inconsistent with the relations we sustain to our constituents. I hold it to be unwarranted by any thing either in the reason or the history of parliamentary proceedings. I hold it to be in direct conflict with the spirit and intent of express provisions of the Constitution. And I hold it, also, to be subversive of original, inherent, and inalienable rights of the people.

The honorable member from Tennessee, (Mr. A. V. Brown,) in justifying this rule, a few mornings ago, drew an analogy from the relations of parent and child; and, in the application of this analogy, this House was made to play the part of the parent, and the people were left to sustain the character of the

child! It was a good illustration, Sir, of the sort of reasoning by which this rule must be defended, if it is to be defended at all. But this House does not stand *in loco parentis* to the people of the United States. We are not their parents, masters, or guardians. We are sent here to ascertain their wishes; to carry out their will; to do their work. And for us to undertake to limit their liberty to address us, or abridge their privilege of being heard here, on any subjects on which they may choose to be heard, is to reverse entirely our relative positions. It is the representative instructing the constituent; the agent prescribing terms to his principal; the servant imposing conditions on the master!

I shall be told that individual petitioners are not the people; and that the rights of the signers of petitions, few or many, are not to be confounded with the rights of the people at large. There would be some fitness and some force in this suggestion, if we were considering the reception of a single petition, or of any ascertained number of petitions. But where is the limit to this rule? Where is the limit to the principle of this rule? Why, Sir, this rule excludes, practically and daily, thousands and hundreds of thousands of petitioners. It denies a hearing, practically and daily, to whole States — sovereign States — speaking through the resolutions of their Legislatures. The Journals, I think, will show that the resolutions of four or five States have been thrust back into the faces of their representatives on this floor, in a single hour of a single morning. And if as many States as were arrayed here the other day on the subject of General Jackson's fine, — seventeen, I think, — could come to a common opinion on any point connected with any one of the subjects enumerated in this rule, — nay, if all the States in the Union, or all the people of all the States, could come, as they ought to come, and as I believe that one day or other they will come, to the conclusion, that whatever may be done with the institution of slavery in the District of Columbia, the slave trade here shall be no more tolerated, but that this metropolis of the American Republic shall be purged from the pollution of an inhuman and abominable traffic, — this rule is broad enough, and general enough, to deny a hearing to them all! In principle, then, this rule goes the full length of asserting the

right of this House, to say to the people, to the whole people of the Union — “Come one, come all, we will not hear you.”

But, says the gentleman from South Carolina, (Mr. Rhett,) have we not a plenary power, under the Constitution, “to determine our own rules of proceeding?” Yes, Sir, we have that power, and there is no appeal from our determination as to those rules. But power is one thing, and right is another. We have the power to do many things in this House which we have yet no manner of right to do. We are the final judges of the elections and returns of our own members. And if a majority in this House, in its wilfulness or its wantonness, should see fit to give the seat in a contested election to a candidate clearly in a minority, or to admit to a right of membership on this floor persons under twenty-five years of age, or who have resided less than seven years in the United States, or persons who do not possess any other of the constitutional or legal qualifications of members,—and something of this sort has been done, as I think, at this very session,—there is no power elsewhere to revise or reverse our decision. We have the power, also, to adopt a rule of proceeding by which the yeas and nays shall not be recorded on a call of one fifth of the members present, or shall not be recorded at all; and, indeed, a majority of this House almost went this length at the outset of the session, in excluding from the records a full and intelligible statement of a question on which the yeas and nays were demanded and taken. We have the power, too, to suppress or expunge from our Journals any proceedings which we may not fancy to have the people find recorded there; and this proceeding, again, is not entirely unknown to this Capitol, or even to this House during the present session. But who can assert that we have any right to resort to such measures, in defiance of express provisions of the Constitution? Sir, it is plain that this power to determine the rules of our own proceeding must be held in subordination to other provisions of the Constitution, and must be exercised also with a due regard to the rights, the reserved or inherent rights, of the people. Our power over our own rules of proceeding is, indeed, an irresponsible power. But this consideration should only make us the more anxious to ascertain what is its rightful and constitutional

limit, and the more careful to keep ourselves strictly within that limit.

It is contended, however, by the advocates of this rule, that it is not inconsistent with any provision in the Constitution, nor with any right of the people. The first article of the amendments to the Constitution, it is said, provides only that "Congress shall make no law abridging the right of the people to petition the government for a redress of grievances;" and this rule is not a law. Sir, this is sticking to the bark of the Constitution with a witness to it! Can it be seriously pretended that it is consistent with the spirit and intent of this clause, that one branch of Congress should effect, by a mere rule of proceeding, what both branches are prohibited from effecting by solemn statute? If the Senate and House of Representatives and the President combined, can pass no law abridging the right of the people to petition the Government, is it not, *a fortiori*, incompetent for this House alone to abridge that right? But I deny the propriety of this literal interpretation of the word *law* in the article in question. The first article of amendment, as it originally passed the House of Representatives in 1789, did not contain that word. Its phraseology was,—"the right of the people to apply to the Government for redress of grievances shall not be infringed." This is the real gist of the provision. The Senate, in incorporating some additional matter into the same article, found it necessary to change the construction of the sentence. But it was a change of construction only, and there is not the slightest ground for the idea, that any change of the sense or substance was intended.

Why, Sir, this article of amendment, with many others, was adopted, as is well known, on the recommendation of a number of the State conventions, by which the Constitution was originally ratified. And in what terms did those State conventions recommend it? In what terms did your own State of Virginia propose its adoption? "Every freeman has a right to petition, or apply to the Legislature for the redress of grievances." This was the language of Virginia in 1789; and it was well said of it by Judge Tucker, in his appendix to Blackstone, that "it was the language of a free people asserting their rights," while the

language of the Constitution, he adds, "savors of that style of condescension in which favors are supposed to be granted."

But we are told by the gentleman from South Carolina, (Mr. Rhett,) and again by the gentleman from Alabama, (Mr. Belser,) that this article was adopted in contemplation of a particular mode of abridging the right of petition; that it had reference to certain old English Riot Acts, which prohibited the people from assembling in tumultuous masses to petition the Government. Admit all that the gentlemen have said on this point. Admit that the language of this article was derived from the English Bill of Rights, and was originally aimed at some particular restraint upon the right in question. What then? Is there any thing in the article which confines its application, now and at all times to come, to the particular mode of abridgment which first gave occasion to it? Sir, the phraseology of the article is comprehensive and general. It declares that the right of petition shall not be abridged by Congress; not that it shall not be abridged in one way, or in another way, but that it shall not be abridged at all. Gentlemen might as well contend that the general statute of murder was only designed to prevent and punish those kinds of homicide which were in vogue when the statute was passed, as to contend that this article of the Constitution was only intended to prohibit those modes of abridging the right of petition which were contemplated at the time of its adoption. Upon this principle, if any ingenious villain could only discover some new mode of putting an end to human life, it would be "killing — no murder!" Such a principle would make a farce of all legislation.

But the honorable member from Alabama (Mr. Belser) has discovered sundry instances in which the British House of Commons have refused to receive petitions, and have even passed rules for refusing to receive them. And upon this discovery he has founded what he seemed to consider a most triumphant argument in favor of the constitutionality of the rule of this House. The argument, if I understand it, is this: that the refusal to receive petitions at discretion, was a well-known practice of the British Parliament before the adoption of our Constitution; that the framers of the Constitution must have understood and con-

templated that practice; and that, therefore, in default of any express allusion to it, there is no reason for imagining that it was intended to be reached or remedied by the article of amendment in question.

Now, sir, I disagree to this argument altogether. I deny the correctness, both of the premises and of the conclusion. I maintain, in precise opposition to it, that, in the first place, the right to present petitions to the Government, including the right to have these petitions received, was an old, original, inherent right of the people of Great Britain, acknowledged and allowed from a time whereof the memory of man runneth not to the contrary. I maintain, in the second place, that the framers of our Constitution understood and appreciated this inherent right. I maintain, in the third place, that the refusal to receive petitions in certain cases, in the British House of Commons, was an exception to the general principles and general practice of that body, arising out of circumstances peculiar to those cases, and furnishing no justification for the rule which is under consideration here. And I maintain, in the fourth place, that there is abundant reason for the assurance, that the framers of the Constitution would have been the last persons in the world to sanction such refusals, or to consider them as in any degree furnishing precedents for us to follow. I am aware, Sir, that it is not often easy to prove the affirmative of propositions of this kind. But if the House will bear with me a few moments, I think I can show them, at least, that I do not speak without book.

And here, Mr. Speaker, if I had a whole morning before me, instead of the rapidly flying remnant of a little hour, I might bring to the remembrance of gentlemen not a few passages of English history of a most interesting and instructive character. I might go back to those great conflicts for civil liberty in the Old World, two centuries ago, by which our fathers were exercised and instructed for its establishment in the New. I might refer to days, on which thousands and tens of thousands of citizens were seen going up to Parliament, *en masse*, to present their petitions for redress; days, when the constituents of the immortal John Hampden were seen riding up from Buckinghamshire, each one with a copy of a famous protest which they had

adopted in his hatband, to petition against ship-money, and to demand the release from imprisonment of their gallant and glorious Representative; days, when fifteen thousand women, headed by the wife of an honest brewer, were seen wending their way with a petition to the very doors of the House of Commons; and when those doors were thrown open to receive them! And what was the moral of those scenes? Sir, in those days the champions of the popular cause relied greatly on the exercise of this right of petition to strengthen them in their struggles against the encroachments and exactions of the Crown. Petitions to the Parliament and petitions to the King were then among the most important instruments of the popular movement. There was even a time when the friends of freedom assumed the party name of Petitioners, and when the friends of prerogative and power were known by the name of Abhorrrers—abhorrrers of petitions! and these names of Petitioners and Abhorrrers were as common and as general as Whig and Tory afterwards were, and designated respectively the same party divisions. And there is one little anecdote of those days, which I cannot forbear reciting with greater exactness. It is the anecdote of a man, whose real name is not recorded on the page of history, but who gave a name to himself which will not soon be forgotten; a man who seems to have foreshadowed something of the indomitable spirit on the subject of the right of petition, which has been so often manifested on this floor by my honored and venerable colleague (Mr. Adams;) a man who went in person into the very presence of King Charles I., and presented to him a petition, complaining of some act of oppression and demanding redress. “How dare you,” said the King, “present me such a petition?” “May it please your Majesty,” said the man, “my name is *Dare*.” He was rewarded for his boldness, not as my venerable colleague was on a well-remembered occasion, by a resolution of censure or impeachment, (*telum imbelle, sine ictu!*) but by a heavy fine and a long-continued imprisonment. If I remember right, Sir, the first child born in the Jamestown colony was christened “*Virginia Dare*,” and perhaps the name was in honor of this stout and sturdy old upholder of the right of petition! This supposition, however, would involve a slight ana-



chronism, I fear, and must therefore be abandoned. I fear still more that most of the *Dare* family of Virginia of the present day would be disposed to renounce and disown such a namesake.

But these historical reminiscences, pertinent as they are, do not come near enough to the point, to answer the purpose of my argument; and I proceed to cite a case which will more clearly sustain the exact positions I have laid down.

In the year 1668, one Mr. Thomas Skinner presented a petition to the British House of Lords, complaining of certain oppressive acts of the East India Company. These acts were properly cognizable, it would seem, by the ordinary courts of law. But the Lords, notwithstanding, determined to assume jurisdiction, and decide upon them for themselves. The East India Company thereupon presented a petition to the House of Commons, complaining of the House of Lords, and denying their right to proceed in the premises. The Lords immediately took umbrage at this petition, as libellous and scandalous, as a breach of their privilege and an encroachment upon their prerogative, and proceeded to punish Sir Samuel Bernardiston and other members of the company by fine and imprisonment. A long and angry dispute forthwith arose between the two branches of Parliament on this particular point:—how far petitions which were presented in the House of Commons could be taken notice of in the House of Lords or elsewhere; and, in the course of this dispute, the right of petition generally underwent a strict and thorough investigation. Elaborate reports were made on both sides, and sundry resolutions were adopted. I find no detailed record of the reports, but among the resolutions adopted by the Commons were the following:

“That it is an inherent right of every commoner of England to prepare and present petitions to the House of Commons, in case of grievances, and of the House of Commons to receive the same.”

“It hath been always, time out of mind, the constant and uncontroverted usage and custom of the House of Commons to have petitions presented to them from commoners, in case of grievance, public or private; in evidence whereof, it is one of the first works that is done by the House of Commons, to appoint a Grand Committee to receive petitions and informations of grievances.”

“In case men should be punishable in other courts for preparing and presenting petitions for redress of grievances to the House of Commons, it may discourage and

deter His Majesty's subjects from seeking redress of their grievances, and by that means frustrate the main and principal end for which Parliaments were ordained."

Sir, what fuller evidence could be given, what stronger testimony adduced, of the importance which was attached in those early days to this inherent right of petition, or of the inviolable sanctity which belonged to it? What significance there is in the fact here stated, that "it is one of the first works that is done by the House of Commons, to appoint a grand committee to receive petitions and informations of grievances!" What an emphasis in the idea that "it may discourage and deter His Majesty's subjects from seeking redress of their grievances, and by that means frustrate the main and principal end for which Parliaments were ordained!" I imagine that no gentleman will desire further evidence as to the first proposition which I undertook to establish.

But where is the evidence that our fathers regarded this right of petition in the same light? Why, Sir, it so happens that in the Congress of 1789, by which the amendments to the Constitution were agreed upon, this first article of amendment, which is in controversy in this debate, was the subject of some discussion. The adoption of it was opposed by some of the members of that Congress. But on what grounds was it opposed? Was it on the idea which has been held out in this debate, that it would be unbecoming in a free and sovereign people to present themselves in the attitude of petitioners to this House? Was it on the ground that the right of petition was not an American right, as was suggested by a gentleman from Pennsylvania, I think, during the last Congress? No. Our fathers of that day were fresh from the great conflicts and controversies of the Revolution, and they understood what American rights were, too well to broach such an idea as that. It was opposed on the ground that the right of petition already existed, and needed no new assertion. It was said that it was "a self-evident, inalienable right, which the people possessed." It was said that "it would never be called in question." While, on the other hand, it was contended by the advocates of the amendment, that, although it was "an inherent, existing right," it would be well, from its very value, to give it the additional force and solemnity of a constitutional sanction.

"The committee who framed this report (said Mr. Benson) proceeded on the principle that these rights belonged to the people. They conceived them to be inherent, and all that they meant to provide against was their being infringed by the government."

Need I add any thing more, Sir, on the second proposition which I undertook to maintain?

Let me hasten, then, to the principle of reception, and to those instances of refusal to receive, which have been cited by the honorable member from Alabama.

And first let me bring to the notice of the House a fact of no little significance upon this point of my argument, which I find in the history of the East India Company case, already referred to. Among the other resolutions reported to the House of Commons on that occasion, was one in these words:—

"That it is the undoubted right and privilege of the House of Commons to judge and determine touching the nature and matter of such petitions, how far they are fit or unfit to be received."

I can imagine, Mr. Speaker, the triumphant tone in which this resolution would have been introduced to the notice of the House, had it fallen under the eye of any one of the advocates of the rule under debate. I confess that, at first, I was not a little perplexed by it myself. True, it was open to the remark, that it was reported in the spirit of a protest against the assumption of the House of Lords; and the other resolutions, by which it was preceded and followed, gave ample reason for believing, that it was only designed to deny the right of any body but themselves, to judge as to petitions presented to the Commons, how far they were fit or unfit to be received. Still, the language of the resolution, as I have read it, is certainly not quite consistent with the doctrines I have undertaken to establish; and I plainly perceive the satisfaction with which it has been heard in some quarters of the House. But what will gentlemen say when they learn that before this resolution was adopted, the word "received" was stricken out, upon formal motion, and the word "retained" inserted in its place! This, Sir, is the fact. Here is the record of it.\* And no better proof could be furnished than is found in this deliberate change of phraseology,

\* See note on page 411.

that those who made it were unwilling, after asserting so emphatically the inherent right of every commoner of England to present petitions, to abridge and even annihilate that right in the next breath, by arrogating to themselves an unlimited right of judgment, how far these petitions were fit or unfit to be received. They claimed only the right to judge how far they were fit to be retained; and to retain, I need not say, *ex vi termini*, implies reception.

But how is it with the examples which have been cited of a direct refusal to receive in later days, and with the standing rules of the House of Commons under which these examples have occurred?

It is true, Sir, that two rules of this character were adopted by that body more than a century ago. One of them to the effect, "that they would receive no petitions against a bill, actually pending, for imposing taxes or duties." The other, "that they would receive no petitions for grants or appropriations of money relating to public service not recommended by the Crown." Now, these are the only rules of the kind which have ever been known to the parliamentary proceedings of England; and all the cases in which petitions, respectful in their terms, have been refused a reception, are found to be ranged under the authority of these two rules. And how am I to substantiate my position, that these rules are exceptions to the general principles and general practice of Parliament, and furnish no justification of the rule of this House? I shall summon to my aid, for this purpose, the great authority upon all questions of parliamentary proceeding, Mr. Hatsell; from whose well-known work Mr. Jefferson compiled his Manual, and to whom the highest acknowledgments are paid in the preface to that Manual. Let Mr. Hatsell explain these rules, and the reasons of them, in his own words, and then let us hear what he has to say in addition: —

"We see from the foregoing instances, particularly from the precedents which are cited, and read on the 10th of April, 1733, that very soon after the Revolution, the House found it necessary to establish a rule, "that they would not receive any petition against a bill, then depending, for imposing a tax or duty." The principle upon which this rule was adopted appears to be this, — that a tax generally extending in its effect over every part of the kingdom, and more or less affecting every individual, and in its nature necessarily and intentionally imposing a burden upon the people, it can answer

no end or purpose whatever for any set of petitioners to state these consequences as a grievance to the House. The House of Commons, before they come to a resolution which imposes a tax, cannot but know that it may very sensibly affect the commerce or manufacture upon which the duty is laid; but they cannot permit the inconveniences that may possibly be brought upon a particular branch of trade to weigh with them, when put in the balance with those advantages which are intended to result to the whole, and which the public necessities of the State demand from them. For these reasons it has been thought better, and more candid to the persons petitioning, at once to refuse receiving their petition, rather than by receiving it to give countenance to the application, and to mislead the petitioners into an idea, that in consequence of their petition the House of Commons would desist from the tax proposed, and impose another, which, though it might be less felt by that branch of trade, might be more oppressive to some other branch.

"Upon an accurate examination of the numerous precedents cited on the 10th of April, 1733, (in favor of the doctrine which was then laid down by Mr. Sandys, and those who supported the petition of the city of London) out of seventy-nine cases which were then produced and read, it will be found there are but three which apply to this question. The first of these is the petition against a bill for imposing a duty of ten per cent. *ad valorem* upon the woolen manufacture in the year 1696-'7. The resolution of the Committee of Ways and Means upon this point brought such a cloud of petitions from all parts of the kingdom—not only from those who were immediately concerned in the woolen trade, but from others who thought they might be ultimately affected by it—that it was thought advisable not even to present the bill. And in the very next session, in April and June, 1698, the House, having felt the inconveniency resulting from admitting these petitions, peremptorily refused to receive the petitions which were then offered against the taxes at that time depending."

In the following note to this passage, the rule is still further explained:—

"What Mr. Winnington afterwards said in the debate upon the petition against the bill relating to the trade of the sugar colonies, proved true upon this occasion. 'If we were to receive all petitions against bills that are brought in for the laying on of any new duties, there would be such multitudes of them against every such bill, that the nation might be undone for want of an immediate supply for the public use, whilst we are sitting to hear frivolous petitions against bills brought in for granting that supply.' Commons Debates, vol. vii. p. 310. This reasoning does not apply to the receiving petitions which desire the repeal or alteration of taxes imposed in any former session; no public service is delayed by receiving and considering such petitions; nor can the time of the House be employed more properly than in endeavoring to lighten the burdens which have been necessarily imposed upon the people, by introducing such regulations, in the manner of collecting the taxes, as experience shall point out; or even by repealing taxes, in instances where no regulation can make them fit to be continued."

And now let us hear Mr. Hatsell's account of the second of these rules:—

"The great number of petitions that were presented to the House of Commons, at the commencement of the session which began in October, 1705, from persons either

claiming an arrear of pay as officers, or making some other demand upon the public, made it necessary for the House to put some restriction upon these applications; which, their being often promoted by members who were friends to the parties, and carrying with them the appearance of justice or of charity, induced the rest of the House to wish well to, or at most to be indifferent to their success; and by this means large sums were granted to private persons, improvidently, and sometimes without sufficient grounds. Very early, therefore, in the next session, on the 11th of December, 1706, before any petitions of this sort could be again offered, the House came to a resolution 'that they would receive no petition for any sum of money relating to public service, but what is recommended from the Crown.' This resolution not being at that time made a standing order, had no effect beyond the session in which it was passed, so that soon after the same practice returned again; and (the same mischiefs resulting from it) the House, upon the 11th of June, 1713, ordered the resolution of the 11th of December to be read, and declared it to be a standing order of the House. From this time, whenever any petition which desires relief by public money is offered, or any motion is made to this purpose, before the Speaker puts the question for bringing up the petition, it has been the practice, in conformity to this order, that the recommendation of the Crown should be signified by some member authorized so to do; and if the Chancellor of the Exchequer, or person usually authorized by the Crown, declines to signify this recommendation, the House cannot properly receive the petition. It has sometimes happened that the Chancellor of the Exchequer has, from motives of humanity, and in order not to preclude the House from taking a petition under their consideration, given the recommendation of the Crown, in cases of which, even at the time, he acknowledged his disapprobation. This conduct, from whatever motives it may proceed, is not to be approved of. It destroys the meaning and spirit of the order, and reduces it to a mere form. The resolution of the 11th of December has no other intention than to transfer the responsibility of receiving or refusing the petition from the House to the Ministers of the Crown. Unless, therefore, the Ministers will do their duty, by examining into the nature of the claim, and the propriety of granting any relief; and if they find the application unfounded, will have the courage to inform the House of the result of their opinion—it would be better that the standing order should be repealed, and the House should be left to act in these, as in other circumstances, without restraint or control."

It will be perceived, Sir, from these passages, that neither of these rules of the British Parliament go the length of the rule of this House. Neither of them provides that petitions of a certain class shall not be received at any time, or under any circumstances, or be entertained in any way whatever. The first declares only that petitions against a tax bill shall not be received while that bill is actually pending;\* and this, on the ground that the nation might be undone for want of an immediate supply for the public service, while Parliament was occupied in hearing petitions against some particular mode of raising

\* This rule has been discontinued by the House of Commons within a few years past.

that supply. And it is expressly admitted that petitions for the repeal or alteration of these same taxes may subsequently be received. The second of these rules stops equally short of an entire exclusion of a certain class of petitions. Its whole intention and operation is to throw upon the ministry the responsibility of all appropriations of public money. It substantially refers all the petitions to which it relates to the advisers of the Crown, (themselves members of Parliament,) and makes them a committee to receive and consider them. And it expressly provides that, with their indorsement, these very petitions shall be received and considered by the House. What sort of analogy is there between rules like these and a rule which declares that petitions on certain enumerated topics shall not be received at any time, or under any circumstances, or be entertained in any way whatever?

But what does Mr. Hatsell say further on the subject of these rules? "The House," he says, in commenting on one of them, "ought to be particularly cautious not to be over rigid in extending this rule beyond what the practice of their ancestors in former times can justify them in. To receive, and hear, and consider the petitions of their fellow-subjects, when presented decently, and containing no matter intentionally offensive to the House, is a duty incumbent upon them, antecedent to all rules and orders that may have been instituted for their own convenience. Justice and the laws of their country demand it from them."

Here, Mr. Speaker, is laid down, in the clearest and noblest phraseology, — in words which, after the principles that have so often been advanced, and the practice which has so long prevailed here, ought to be emblazoned in letters of gold upon every column in this hall, and to be suspended on a scroll of silver from the very beak of the eagle above your head, — the true parliamentary and constitutional doctrine on the subject of petitions.

But, before enlarging upon this idea, I must say a few words in defence of the fourth proposition which I promised to prove, namely, — that there is abundant reason for believing that the framers of our Constitution would have been the last persons to acquiesce in the exceptions to this doctrine which are contained in the two special rules which have just been cited. Why, Sir,

is it forgotten that our fathers had some experience of their own on this subject of the reception of petitions? Is it forgotten that the Declaration of Independence itself, after reciting the various oppressions to which the American Colonies had been subjected, goes on to state, that "in every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered by repeated injury?" Is it forgotten that Patrick Henry, of Virginia, in that celebrated speech, which is at the tongue's end of every schoolboy in the Union, and in which he comes to the stern and startling conclusion, "we must fight," presents it as the very climax of his description of the unbearable grievances of that day, "we have petitioned, we have remonstrated, we have supplicated: our petitions have been slighted, our remonstrances disregarded, and we have been spurned with contempt from the foot of the throne?" It is an historical fact that the petitions of our fathers were refused a reception in the British Parliament. And on what ground were they refused? Upon what principle were they denied a hearing, or any entertainment whatever? Sir, it was in conformity with these very precedents which have been cited here so triumphantly! It was under these very rules which are appealed to so confidently in justification of our rule! Here is the record of the fact:—

"On the 15th of February, 1765, a petition of Mr. Montague, agent for Virginia, and a petition from Connecticut, and another from the inhabitants of Carolina, against the bill then depending, for imposing a stamp duty in America, being offered, upon the question for bringing them up, it passed in the negative."

And now will any gentleman undertake to maintain that the framers of the Constitution intended to give their assent to principles, under which their own petitions against the Stamp Act were refused a reception? Will any gentleman rely on these precedents, while the words of Patrick Henry and the language of the Declaration are still fresh in his memory? No, Sir, I am sure I need not urge this point further.

Let me recur, then, for a moment, to the admirable exposition of Mr. Hatsell: "To receive, and hear, and consider the petitions of their fellow-subjects, when presented decently, and containing no matter intentionally offensive to the House, is a



duty incumbent upon them, antecedent to all rules and orders that may have been instituted for their own convenience. Justice and the laws of our country demand it of them." This sentence, I repeat, contains, in the noblest terms, the true constitutional and parliamentary principle. It embraces the whole rule and the only rule; the whole exception and the only exception to the rule;—the rule being that petitions shall be received, heard, and considered; and the exception relating exclusively to such as are not decently presented, or such as contain matter intentionally offensive to the House.

[Mr. Winthrop was here interrupted by the expiration of the morning hour, and the subject was laid over until the following day.]

*January 24, 1844.*

The orders of the day having been called for by Mr. Adams, Mr. Winthrop proceeded with his remarks :

When I was interrupted yesterday, I was proceeding to make some comments on the golden rule which has been laid down on the subject of petitions by Mr. Hatsell, who, by all acknowledgment, is the highest authority on the subject of parliamentary principles and parliamentary precedents; and who has been styled by Mr. Jefferson "the preëminent authority" on all such matters. It will be observed that this rule contains no sanction for the doctrine which has so often been advanced here, that petitions are not to be received, because there may seem to be no authority to grant the prayer of them. And where, let me ask, where would such a doctrine lead us in these days and in this country? Where would it lead us in this House, and at this very moment? Why, sir, there is an undoubted majority of this body, who hold that Congress have no constitutional authority to establish a national bank; no constitutional authority to carry on a system of internal improvements; no constitutional authority to distribute among the States the proceeds of the public lands. I am by no means sure that there is a majority here who would dare to assert, in positive terms, the power of Congress to protect American labor. We all know that, in the changes of parties and of party opinions in this country, this Constitution of ours is one thing to-day and another thing to-morrow; a strait-

jacket — as an honorable member from Virginia has termed it — to one set of men, and a charter wide withal as the wind to another set of men. Some of us maintain that the power of Congress over slavery in the District of Columbia is as clear and as unqualified as its power to regulate commerce or to support a navy. Others hold, on the contrary, that an exclusive jurisdiction in all cases whatsoever does not extend to the case of slavery. In the mean time, some are of opinion that there is a power in this Government to annex Texas to the Union; while others, (and myself among the number,) maintain, that such an annexation would be a plain and palpable violation of the Constitution, and an utter annihilation of what little there is left, on our side at least, of the old, original compromises, on which that Constitution was adopted. Where, I repeat, would the doctrine end, that petitions are not to be received, if they ask for any thing which an existing majority here may deem it unconstitutional to grant? It is plain that the power to grant the prayer of a petition is a question to be considered, and the petition must be received and heard in order that this question may be considered. It is always, let me add, in the power of Congress to propose amendments to the Constitution. Perhaps the consideration of a petition may lead to such propositions. Perhaps this may be the very design and object of the petitioners. This idea alone is an ample answer to the suggestion, that a supposed or even a real want of power to grant them, is ground enough for a summary refusal to receive petitions.

But this golden rule of Mr. Hatsell's, it will be perceived, does not stop short at the reception of petitions. It declares it to be a duty incumbent on us, antecedent to all rules and orders for our own convenience, to hear and consider them. And, for myself, I do not desire to have the rule of this House changed at all, if it be not so changed as to meet and embrace this whole principle. As to receiving petitions for the purpose of laying them instantly on the table, it is a mere evasion of the principle, and a mere mockery of the parties. The original excitement on this subject sprung up under such a rule as that would be; and a return to it would do nothing, nothing whatever, to allay that excitement. In this one point, therefore, I agree with the honor-

able member from Alabama; let us have the present rule or none. I would only reverse the order of the alternatives, and say, let us have no rule, or let this rule stand as it is.

But, says the gentleman from South Carolina, (Mr. Rhett,) where does this duty to consider a petition terminate? How much consideration do you claim? If you demand to have your petitions received, and heard, and considered, why not to have them referred, why not to have them reported on, why not to have them granted? Now, sir, I readily admit that it is difficult to lay down, in advance, the precise line of demarcation between the right of petition and the right of legislation; to say exactly where the one ends and the other begins; or to fix the precise measure of consideration which will fulfil the one, without infringing on the other. But this difficulty does not prevent our confounding the plainest and most obvious distinctions. It was well said by Mr. Burke, in one of his speeches or essays, that "though no man can draw a stroke between the confines of night and day, yet darkness and light are, upon the whole, tolerably distinguishable." So, here, though it may puzzle us to put down in black and white the exact boundary line between the right of the petitioner and the right of the legislator, yet the consideration of a prayer, and the granting of a prayer, are, "upon the whole, tolerably distinguishable." Indeed, there is no degree, no gradation, no middle term, between the two ideas. But why, why all this metaphysical subtlety as to a certain class of petitions? You do not refuse to receive other petitions, lest you should be ensnared into some unavoidable obligation to grant them. Heaven knows that there are adverse reports enough made and adopted in this House, in reference to petitions which we uniformly receive and consider. Petitions for pensions; petitions for the allowance of the most just claims; petitions for the payment of the most undeniable debts; why, Sir, we make no bones of despatching a hundred of them in a morning, on a private bill day. Whence, then, all this anxiety and alarm, lest the reception of the petitions enumerated in the rule under debate should precipitate us upon some irresistible necessity to grant their prayer?

Mr. Speaker, we ask for these petitions only that you will

treat them as you treat other petitions. We set up for them no absurd or extravagant pretensions. We claim for them no exclusive or engrossing attention. We desire only that you will adopt no proscriptive and passionate course in regard to them. We demand only that you will allow them to go through the same orderly round of reception, reference, and report, with all other petitions. When they have gone through that round, they will be just as much under your own control as they were before they entered on it.

I heartily hope, Sir, that this course is now about to be adopted. I hope it as an advocate of the right of petition. I hope it as a Northern man with Northern principles, if you please to term me so. But I hope it not less as an American citizen with American principles; as a friend to the Constitution and the Union; as one who is as little disposed to interfere with any rights of other States, as to surrender any rights of his own State; as one who, though he may see provisions of the Constitution which are odious in principle and unjust in practice—provisions which he would gladly have had omitted at the outset, and gladly see altered now, if such an alteration were practicable,—is yet willing to stand by our Constitution as it is, our Union as it is, our Territory as it is! I do honestly believe that the course of this House in relation to these petitions has done more than all other causes combined to bring the Constitution into disregard and the Union into danger. Other causes have indeed coöperated with this cause. Your arbitrary and oppressive State laws for imprisoning our free colored seamen in the Southern ports; your abhorrent proposals to annex Texas to the Union, in violation of the compromises of the Constitution; yes, Sir, of those very compromises on which Adams and Hancock met Jefferson and Madison, (to use language which was employed in casting reproach upon the resolutions of Massachusetts which were recently presented here;) these laws and these proposals have unquestionably coöperated of late with the denial of the right of petition, in exciting in some quarters a spirit of discontent with our existing system. But this rule of the House has been the original spring of the whole feeling. And to what advantage on the part of those by whom it was

devised? Have Southern institutions been any safer since its establishment? Have the enemies to those institutions been rendered any less ardent or less active by it? Has agitation on the subject of slavery in this Hall been repressed or allayed by it? Have these petitions and resolutions been diminished in number under its operation and influence? No, Sir, the very reverse, the precise opposite of all this, has been the result. The attempt of this House to suppress and silence all utterance on the subject of slavery in this Hall, has terminated as did the attempt of one of the Kings of ancient Judah to suppress the warnings of the prophet of God. The prophet, we are told, took another roll, and wrote on it all the words which the King had burned in the fire, and "there were added besides unto them many like words!" And this always has been, and always will be, the brief history of every effort to silence free inquiry and stifle free discussion. I thank Heaven that it is so. It is this inherent and inextinguishable elasticity of opinion, of conscience, of inquiry, which, like the great agent of modern art, gains only new force, fresh vigor, redoubled powers of progress and propulsion, by every degree of compression and restraint—it is this, to which the world owes all the liberty it has yet acquired, and to which it will owe all that is yet in store for it. Well did John Milton exclaim, in his noble defence of unlicensed printing, "Give me the liberty to know, to utter, and to argue freely, above all liberties;" for, in securing that, we secure the all-sufficient instrument for achieving all other liberties.

## N O T E.

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THE proceedings of the House of Commons in the case of Skinner and the East India Company, as they stood upon the Journals before they were expunged by the order of the King, are inserted, as follows, in the appendix to the third volume of Hatsell's Precedents, (London edition, 1818.)

*Die Sabbati, 4<sup>o</sup> Decembris, 1669.*

The House then, according to former order, resumed the debate of the matter concerning trials and privileges in Parliament.

The House of Commons being informed that Sir Samuel Bernardiston, a commoner of England, has been called before the House of Lords, and hath had a judgment passed upon him, and a fine imposed, and a record made thereof in the Exchequer, mentioning the fine to be paid :

Resolved, &c., That a conference be desired of the Lords upon the matter aforesaid, and other proceedings relating thereunto ; and, also, upon the proceedings concerning Thomas Skinner and the East India Company.

Resolved, &c., That a Committee be appointed to prepare and draw up reasons, to be insisted upon at the conference to be had with the Lords touching the matter aforesaid, namely : Mr. Solicitor-General, Mr. Sergeant Maynard, &c. ; and the special care of this matter is recommended to Mr. Solicitor-General, Sir Robert Howard, and Sir Thomas Lee.

*Die Martis, 7<sup>o</sup> Decembris, 1669.*

Ordered, That the report of Sir Robert Howard, from the committee appointed to prepare reasons to be used at the conference with the Lords, be heard this day, next after the report from the Committee of Elections.

Sir Robert Howard reports from the committee appointed to prepare and bring in reasons to be insisted upon at the conference to be had with the Lords, in the matter relating to the East India Company and Skinner and Sir Samuel Bernardiston, that the committee had met according to the commands of the House, and had taken deliberate consideration of the whole matter ; but found they were disabled to prepare reasons without a groundwork of some particular heads agreed by the House, to the justification whereof the reasons might be applied ; and that the committee had prepared some heads, drawn up into five

several resolves, which he read in his place, and tendered to the House for their approbation ; and the same being again read, are as followeth, namely :

1. That it is an inherent right of every commoner of England, to prepare and present petitions to the House of Commons, in case of grievance, and the House of Commons to receive the same.

2. That it is the undoubted right and privilege of the House of Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit or unfit to be received.

3. That no court whatsoever hath power to judge or censure any petition prepared for or presented to the House of Commons, and received by them, unless transmitted from thence, or the matter complained of by them.

4. Whereas a petition by the Governor and Company of Merchants trading to East India was presented to the House of Commons by Sir Samuel Bernardiston and others, complaining of grievances therein ; which the Lords have censured under the notion of a scandalous paper or libel ; that the said censure and proceedings of the Lords against the said Sir Samuel Bernardiston are contrary to, and in subversion of the rights and privileges of the House of Commons, and liberties of the Commons of England.

5. That the continuance upon record of the judgment given by the Lords, and complained of by the House of Commons, in the last session of this Parliament, in the case of Thomas Skinner and the East India Company, is prejudicial to the rights of the Commoners of England.

Ordered, That the report delivered in by Sir Robert Howard be taken into consideration, the first business to-morrow morning.

*Die Mercurii, 8<sup>o</sup> Decembris, 1669.*

The House then resumed the consideration of the report of Sir Robert Howard, of the heads and proposals brought in from the Committee appointed to draw up reasons to be insisted on at the conference to be had with the Lords in the matter concerning the East India Company and Skinner and Sir Samuel Bernardiston.

The first head was twice read, and, with the addition of the word "of," upon the question, agreed to.

The second head was read twice ; and, with the alteration of the word "retain" for "receive," upon the question, agreed.

The third proposition was twice read, and some amendments made thereto.

The question being put, to agree to this proposition —

The House divided.

The noes went out.

Tellers :

Mr. Morice, } For the yeas, 109.  
Mr. Steward, }

Sir J. Talbot, } For the noes, 73.  
Colonel Reames, }

And so it was resolved in the affirmative.

The fourth proposition was twice read ; and the words " under the notion of " omitted, and the word " as " inserted in the stead of it ; and the proposition thus amended, upon the question, agreed.

The fifth proposition was read twice, and, upon the question, agreed,

1. That it is an inherent right of every Commoner of England, to prepare and present petitions to the House of Commons, in case of grievance, and of the House of Commons to receive the same.

2. That it is the undoubted right and privilege of the House of Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit or unfit to be retained.

3. That no court whatsoever hath power to judge or censure any petition prepared for, or presented to and received by, the House of Commons, unless transmitted from thence, or the matter is complained of by them.

4. That whereas a petition, by the Governor and Company of Merchants trading to the East Indies, was presented to the House of Commons by Sir Samuel Bernardiston and others, complaining of grievance therein, which the Lords have censured as a scandalous paper or libel ; the said censure and proceedings of the Lords against the said Sir Samuel Bernardiston are contrary to, and in subversion of, the rights and privileges of the House of Commons, and liberties of the Commons of England.

5. That the continuance upon record of the judgment given by the Lords, and complained of by the House of Commons, in the last session of this Parliament, in the case of Thomas Skinner and the East India Company, is prejudicial to the rights of the Commons of England.

Resolved, That the committee formally appointed to draw up reasons to be used at the conference with the Lords, be revived, and do sit this afternoon, and prepare reasons and arguments to justify the propositions agreed to, and prepare and propose what is fit to be offered or desired of the Lords ; and that these members following be added to said committee, namely : Sir Walter Gouge, Mr. Seymour, &c.

*Die Veneris, 10<sup>o</sup> Decembris, 1669.*

Sir Robert Howard reports from the Committee to which it was referred, to prepare and draw up reasons to be used at the conference with the Lords, in the matter of the East India Company and Skinner and Sir Samuel Bernardiston, to justify the resolves of this House ; and also two propositions thereupon to be made to the Lords, which he read, and after delivered the same in at the Clerk's table ; and the same being twice read, and with some amendment, upon the question, agreed, are as followeth :

To the first, second, and third, depending on one another :

1. It hath been always, time out of mind, the constant and uncontroverted usage and custom of the House of Commons to have petitions presented to them from Commoners, in case of grievance, public or private : in evidence whereof, it is one of the first works that is done by the House of Commons to appoint a Grand Committee to receive petitions and informations of grievances.



2. That in no age that we can find, ever any person, who presented any grievance, by way of petition, to the House of Commons, which was received by them, was ever censured by the Lords without complaint of the Commons.

3. That no suitors for justice, in any inferior court whatsoever, in law or equity, exhibiting their complaint for any matters proper to be proceeded upon in that court, are therefore punishable criminally, though untrue, or suable by way of action in any other court wheresoever; but are only subject to a moderate fine or amercement by that court; unless in some cases specially provided for by act of Parliament, as appeals, or the like.

4. In case men should be punishable in other courts for preparing and presenting petitions for redress of grievances to the House of Commons, it may discourage and deter His Majesty's subjects from seeking redress of their grievances, and by that means frustrate the main and principal end for which Parliaments were ordained.

To the fourth proposition :

1. That no petition, nor any other matter depending in the House of Commons, can be taken notice of by the Lords without breach of privilege, unless communicated by the House of Commons.

2. Upon conclusion of the four first propositions, it is further to be alleged that the House of Peers (as well as all other courts) are, in all their judicial proceedings, to be guided and limited by law; but if they should give a wrong sentence, contrary to law, and the party grieved might not seek redress thereof in full Parliament, and to that end repair to the House of Commons, who are part of the legislative power, that either they may interpose with their Lordships for the reversal of such sentence, or prepare a bill for that purpose, and for the preventing the like grievance for the time to come — the consequence thereof would plainly be, both that their Lordship's judicature would be boundless, and above law, and that the party grieved should be without remedy.

As to the fifth proposition: The Committee refer to the former reasons offered against the judgment of the Lords against the East India Company, in the last session of Parliament.

# THE OREGON QUESTION

## AND

### THE TREATY OF WASHINGTON.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, MARCH 18, 1844.

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I HAVE no purpose, Mr. Chairman, of attempting a detailed reply to the honorable gentleman who has just taken his seat. I was greatly in hopes that another member of this House, and I will add, another member of the Massachusetts delegation, who has so often instructed and delighted us on these questions of foreign controversy, (Mr. J. Q. Adams,) would have taken the floor for this purpose. I would gladly yield it to him, or, indeed, to any one else who is disposed for it, feeling, as I deeply do, the want of greater preparation and longer reflection for doing justice to the occasion. I am unwilling, however, that the speech which has just been delivered should pass off without some notice. I fear, too, that if I yield to the kind suggestion of a friend near me, and ask a postponement of the debate, I may lose an opportunity altogether. Recent proceedings in this House afford me very little encouragement to try such an experiment. On more than one occasion, questions of the highest interest and importance seem to have been brought up unexpectedly, as this has been, for the purpose of allowing some member of the majority of the House to deliver an elaborate exposition of his views, and then to have been shuffled off again by the previous question, or by a motion to lay on the table, before any member

of the minority could open his lips in reply. I proceed, therefore, to make the best of the opportunity which is now secured to me.

And, in the first place, let me say a word in regard to the sectional character which has been given to this subject. It has been often said that the question about Oregon is a Western question, and a disposition has been manifested to charge hostility to Western interests and Western rights upon all who are not ready to draw the sword, without further delay, in defence of this Territory. I deny this position altogether. It is a national question. It is a question for the whole country. The North have as much interest in it as the West, and as much right to be heard upon it; indeed, there are some views in which it is more a Northern than a Western question. I cannot forget that the American claim to Oregon, so far as it rests upon discovery, dates back to Massachusetts adventure and Boston enterprise. It was a Boston ship which gave its name to the Columbia River. It was Captain Robert Gray, of Boston, who first discovered that river. It was the Hancock and the Adams of Massachusetts—the proscribed patriots of the Revolution—whose names were inscribed on those remote capes. And if we turn from the early history of Oregon to its present importance, and to the immediate interests which are involved in its possession, the North will be found no less prominently concerned in the question. The great present value of this Territory has relation to the commerce and navigation of the Pacific Ocean. The whale fishery of this country requires safe stations and harbors on the northwest coast. And by what part of the nation is this fishery carried on? Why, Sir, the State of Massachusetts owns nine tenths of all the whale ships of the United States. The single town of New Bedford,—the residence of my honorable friend, Mr. Grinnell,—sends out 92,000, out of a little more than 130,000 tons of the American shipping employed in this business; and three other towns in the same district employ 31,170 tons of the remainder. So far, then, as the whaling interest is to be regarded, the Oregon question is emphatically a Massachusetts question. I feel bound to add, however, that the whole coast of Oregon can hardly furnish one really good harbor. South of the forty-ninth degree of latitude,—

a boundary which we have once offered to compromise upon, — there is not one which a ship can get safely into, or safely out of, during three quarters of the year. The harbor of San Francisco, in Northern California, would be worth the whole Territory of Oregon to the whaling fleet of the nation.

A mere Western interest! Sir, I doubt whether the West has a particle of real interest in the possession of Oregon. It may have an interest, a momentary, seeming, delusive interest in a war for Oregon. Doubtless, the Western States might reap a rich harvest of spoils in the prosecution of such a war. Doubtless, there would be fat contracts of all sorts growing out of such a contest, which would enure to their peculiar advantage. Doubtless, the characteristic spirit of the western people — that spirit of restless adventure, and roving enterprise, and daring conflict, which the honorable gentleman has just eulogized — would find ample room and verge enough for its indulgence, even to satiety, in such a campaign. Whether that spirit, indomitable as it is in any ordinary encounter, would not be found stumbling upon the dark mountains, or fainting in the dreary valleys, or quenched beneath the perpetual snows which Nature has opposed to the passage to this disputed territory, remains to be seen. A march to Oregon, I am inclined to believe, would take the courage out of not a few who now believe themselves incapable of fatigue or fear. But suppose the war were over, successfully over, and Oregon ours, what interest, let me ask, what real, substantial, permanent interest would the West have in its possession? Are our western brethren straitened for elbow room, or likely to be so for a thousand years? Have they not too much land for their own advantage already? I verily believe that if land were only half as abundant and half as cheap as it is, the prosperity of the West would be doubled. As an Eastern representative I would never submit a proposition to raise the price of the public lands; such a proposition would be misconstrued and perverted. But if I were a Western man, I would ask nothing sooner, I would desire nothing more earnestly of this Government, than to double the price of these lands. It would put money into the pocket of every Western farmer, and into the coffers of every Western State. Sale for the purpose of settlement would not

be checked; speculation only would be restrained. The average income of the nation would be as great as now; the ultimate receipts far greater; and all parties would be benefited in the end. The West has no interest, the country has no interest, in extending our territorial possessions. This Union of ours must have limits; and it was well said by Mr. Senator Benton, in 1825, that westward, "the ridge of the Rocky Mountains may be named, without offence, as presenting a convenient, natural, and everlasting boundary. Along the back of this ridge the western limit of this Republic should be drawn, and the statue of the fabled God, Terminus, should be raised upon its highest peak, never to be thrown down."

The Oregon question, however, Mr. Chairman, as now presented to us, is not a question of interest, but of right; not a question as to the ultimate reach of our federal Union, but as to the existing extent of our territorial title. Upon this point I shall say little. An argument to this House in favor of our title to Oregon would be words thrown away. If any man can convince the British Government that the Territory is ours, his labor will be well employed, and the sooner he sets about it the better. But we are convinced already. For myself, certainly, I believe that we have a good title to the whole twelve degrees of latitude. I believe it, not merely because it is the part of patriotism to believe one's own country in the right, but because I am unable to resist the conclusions to that effect, to which an examination of the evidence and the authorities have brought me. In saying this, however, I would by no means be understood to concur in the idea which has been recently advanced in some quarters, that our title is of such a character that we are authorized to decline all negotiation on the subject. Why, Sir, with what face can we take such a stand, with the history of this question before us and before the world? Nothing to negotiate about! Has not every administration of our government, since we had a government to be administered, treated this as an open question? Have we not at one time expressly offered to abandon all pretension to five twelfths of the Territory, and to allow our boundary line to follow the forty-ninth degree of latitude? Have we not united in a convention of joint occupancy for thirty

years, in order to keep it an open question? What pretence have we for planting ourselves on our presumed rights at this late day, and for shutting our ears to all overtures of negotiation, and all assertion or argument of the rights of others? None; none whatever. Such a course would subject us to the just reproach and scorn of the civilized world.

But the question before the committee relates simply to the termination of the convention of joint occupancy. This convention originated in the year 1818, and was limited to the term of ten years. In 1827, it was extended indefinitely, subject, however, to the right of either party to annul and abrogate the same, on giving twelve months' notice to the other party. And now the question is not whether this joint occupation of Oregon shall be continued forever. Nobody imagines that the United States and Great Britain are about to hold this Territory in common much longer. Neither country desires it; neither country would consent to it. The simple question is, whether the United States shall take the responsibility of giving the notice to-day; whether, after having agreed to this joint occupancy for nearly thirty years, we shall take occasion of this precise moment in the history of the two countries to insist on bringing it to a close? I am opposed, wholly opposed, to such a course. I agree with the report of the Committee on Foreign Affairs, (a committee, be it remembered, composed of six members of the Van Buren party, and of three only of the friends of Mr. Clay,) that it is entirely inexpedient to act at all on the subject at this time; and I sincerely wish that the chairman of that committee (Mr. C. J. Ingersoll) had saved me the trouble of advocating his own report, and had given us an argument in favor of its adoption, instead of making the any thing but reasonable or pacific speech, which he has just concluded.

Sir, I regard the proposition to give the required notice to the British Government at this precise moment, as eminently ill-timed, both in regard to our relations with Great Britain and to our own domestic condition. We are just at the close of an administration. We are on the eve of another election of President. How this election may terminate may be a matter of doubt in some quarters. I have no doubt. But, however it may

terminate, it is no more than fair to those who are to be successful, to leave to them the initiation of a policy, which they are to be responsible for carrying on and completing. A twelve months notice! Why, to what point of time in our political affairs will the expiration of that notice bring us? To the very first month of a new administration; an administration which will hardly have taken the oaths of office; which will hardly have selected and installed its advisers and agents; and which (unless you are going to compel the calling of another extra session, only to deride and denounce it afterwards,) will have no Congress at the Capitol to act in any way upon its measures! This termination of joint occupation is to be followed by something, I suppose. It must be followed, it is intended to be followed, by some act of separate occupation. If negotiation, in the mean time, shall have failed, as it certainly will fail if this notice be given, something else than negotiation, a strife or a struggle of some sort, must ensue. It may, or may not, amount to an immediate war with England. But whatever form it may assume, it will involve responsibility, it will require preparation, it will demand matured and vigorous counsels. And how is a new administration, with its cabinet, perhaps, not yet arranged, and without a Congress to sustain it, to meet such an exigency as it ought to be met?

Mr. Chairman, it was — I will not say the policy and design of the Van Buren administration — but, certainly, the result of their course on going out of office three years ago, to precipitate their successors, while yet without that matured organization which is essential to any effective action, upon a condition of foreign affairs of the most delicate and dangerous character. Few persons, I imagine, know, and few persons, perhaps, ever will know, how critical were the relations of Great Britain and the United States at the precise instant of General Harrison's accession to the Presidency. My honored and venerable colleague (Mr. Adams) seemed to understand them, when he charged it openly upon the Van Buren party, a session or two ago, that they had fired the ship when they found they could no longer hold it! I trust that there is no design, no disposition, no willingness, to bring about the same state of things again. It ought to be the patriotic aim of us all, that whoever the next

President may be, he may have a smooth sea and a fair wind to start with; and that he may not be driven upon storms and breakers before his hand has fairly grappled upon the helm, and before his crew have got on their sea legs!

Sir, if there was any thing too pacific, any thing too compromising, any thing too yielding in the course of President Tyler, or his Secretary of State, in conducting the recent negotiations with Great Britain — all which I utterly deny — no small share of the blame would rest upon the party which threw upon a new administration, in the first hour of its existence, so perilous a responsibility; the party which brought the country to the very brink of war, and there left it, without preparation of any sort, either of money or munitions; with its navy dismantled, its fortifications dilapidated, and its Treasury many millions worse than empty!

But the honorable gentleman from Pennsylvania has made a charge in relation to the treaty of Washington, of a somewhat different character. He has told us that the British ministry have succeeded in depriving this country of a considerable portion of our territory on the northeast, with a perfect knowledge that they had no right to it. He has told us that the Prime Minister of England has declared in Parliament that he had proof, in the handwriting of a late English monarch, that the British claim was without foundation; and he has alluded to what he calls a corresponding acknowledgment of a distinguished member of the House of Lords! Mr. Chairman, this attempt to destroy the confidence of the American Congress and of the American people in the good faith and common honesty of the British Government, at the very moment when we are about to enter upon new and critical negotiations with them, can hardly, in my judgment, be too strongly condemned. The charge is entirely unwarranted. The speeches of Sir Robert Peel and Lord Brougham justify no such impeachment of British integrity. What were the circumstances under which the remarks were made to which the honorable member had reference? It is well known that a charge of bad faith had been brought against our negotiator, Mr. Webster, for having



concealed from Lord Ashburton all knowledge of a map which had been discovered by Mr. Sparks in Paris, and which there was the strongest reason for believing to be Dr. Franklin's map. This map had a broad red line upon it in close conformity to the British claim, and was considered as being somewhat of an extinguisher of the American view of the question, so far as the authority of maps was concerned. Yet it was carefully concealed from the British government and the British negotiator. For this proceeding Mr. Webster was arraigned both at home and abroad. Lord Palmerston, who, as Secretary of Foreign Affairs for many years, had failed in all attempts to settle the boundary question, and who was, perhaps, a little envious of the reputation which his successor, Lord Aberdeen, had acquired through the negotiations of Lord Ashburton, publicly arraigned Mr. Webster in the House of Commons, and made substantially the same charge against him, which the Chairman of the Committee of Foreign Affairs in this House has now made against the ministry of England. And it was in answer to this attack upon Mr. Webster, it was in defence of our Secretary of State, — not, perhaps, without some view of vindicating themselves from the imputation of having been overreached in the negotiation, — that Sir Robert Peel and Lord Brougham brought forward the fact to which the honorable gentleman has alluded. They stated that the British government as well as the American government, had concealed maps which made against their own claim; that Lord Palmerston himself had been guilty of the same suppression; that, beside other maps of less significance, which had been kept out of sight by the ministry of England, there was one which could be traced back to the possession of George the Third, the monarch in whose time the separation of the two countries had taken place, and upon which there was a red line in precise conformity with the American claim. But what was their course of remark upon the subject? Did they, as the gentleman would imply, admit that these maps, on either side, would have been considered as conclusive evidence of the intention of the treaty of 1783? No such thing; they ridiculed such an idea. Sir Robert Peel commenced his remarks on this subject by saying, —

"The noble lord has spoken at great length of a map recently discovered. He seems to think that that map, so discovered, affords conclusive evidence of the justice of the British claims. Now, Sir, in the first place, let me observe to the noble lord, that contemporary maps may be — where the words of the treaty referred to by them are in themselves doubtful — they may be evidence of the intentions of those who framed them, but the treaty must be executed according to the words contained in it. Even if the map were sustained by the parties, it could not contravene the words of the treaty."

And Lord Brougham followed out the same idea in his speech in the House of Lords, when he said :

"But the map does not tally with the description given. Suppose you had an account, in writing, that the Thames, as is the fact, forms the boundary of the counties of Surrey and Middlesex ; and suppose you found a map, or chart, or plan connected with that description, on which a red line through Piccadilly was drawn as a boundary — I should not take it ; I should go down to the river ; because the red line is only to be regarded if the words do not speak for themselves, or the language is ambiguous. And the same is the case here, more or less."

Now, Mr. Chairman, it is only after these explicit denials of the idea, that maps, under whatever circumstances they may have been found, are to be taken as conclusive evidence as to the justice of claims resting on the descriptions of a treaty, that Lord Brougham and Sir Robert Peel proceed to disclose the fact of the discovery of the map of George the Third ; and that, only in the way of set-off to the map which is supposed to have belonged to Dr. Franklin. They do, indeed, speak somewhat largely and roundly as to the effect which the production of this map of George the Third might have had on the settlement of the boundary question, in case maps were to be taken as conclusive evidence. But having expressly denied that they were to be so taken, — having rejected and ridiculed the idea of the red lines of a map being allowed to control the black letters of a treaty description, — their language, however round, admits of no such construction as has been given to it by the honorable gentleman who has just taken his seat.

Sir, there is no evidence whatever, in my judgment, of bad faith on the part of the British government in these speeches of the Prime Minister and Lord Brougham. I do not profess to be deeply versed in the science of political morals or international obligation ; but I should say that the principles of com-

mon honesty and common sense would lead to this conclusion. If a government, after having set up a claim of any sort, should find in its own possession conclusive evidence, evidence conclusive upon its own conscience, that the claim was unfounded, it would be bound, in all honor and in all justice, to disclose the evidence and abandon the claim. But if the evidence fall short of demonstration, — if reasonable and conscientious doubts still rest upon the question, — if there be ground enough left for maintaining the claim at all, — it would be the height of absurdity in such a government, and a piece of most gratuitous generosity to their opponent, to make such a disclosure. Why, Sir, the circumstances of the case we are considering furnish the best possible illustration that the position I have taken is the only sound or safe one. Here were maps in the secret possession of each government at the same moment, which were believed by each respectively to present formidable testimony against its own claim, and the production of either of which, singly, might have seriously affected the final settlement of the disputed boundary. Now, suppose Mr. Webster had disclosed to Lord Ashburton the map which was then believed to have belonged to Dr. Franklin, and the consequence had been a much larger relinquishment of territory, on our part, than has actually taken place: — Or, suppose Sir Robert Peel had sent over to Mr. Webster the map of George the Third, and had consented, upon the strength of it, to a line less favorable to his own country. What would the government which obtained the advantage under such circumstances have thought of the diplomacy and statesmanship of its antagonist? And even if both governments had shown their hands, and exhibited their maps simultaneously, what would have been produced but a mutual laugh at each other, and a laugh of all the world at both! And the laugh, certainly, would not have been diminished, if it had afterwards proved that the recently discovered map of Mr. Jay, the only map which we now know certainly to have been in the possession of the negotiators of 1783, was materially different from both the other two. Well, Sir, did Mr. Webster say for himself, on this subject, that “he confessed he did not think it a very urgent duty, on his part, to go to Lord Ashburton and tell him that he had found a bit of

doubtful evidence in Paris, out of which he might, perhaps, make something to the prejudice of our claims, and from which he could set up higher claims for himself, or obscure the whole matter still further." And no less well, in my judgment, did Lord Brougham "deny that a negotiator, in carrying on a controversy, as representing his own country with a foreign country, is bound to disclose to the other party whatever he may know that tells against his own country and for the opposite party; any more than an advocate is bound to tell the court all that he deems to make against his own client and for his adversary." A just nation, like a just man, will never set up a claim which it knows to have no foundation; but both nations and individuals may withhold from an opposite party, (except where they are under question upon oath,) any evidence which would weaken a claim which they believe to be well founded, without subjecting themselves to any rightful impeachment of their honor or good faith.

I repeat, Mr. Chairman, that this attempt to destroy the confidence of the American people in the fairness of the British government, and to produce the impression that they have dishonestly deprived us of a portion of our territory, and are now openly chuckling over the success of an avowed fraud, cannot be too strongly reprobated. The direct tendency of such a course is to create an exasperated popular feeling towards Great Britain, which will forbid the settlement of any future dispute with that power, except by the sword; which will henceforth acknowledge the validity of no red lines, but those which shall have been run with blood; and which will lead inevitably, and at no distant day, to war for Oregon. I trust that this is not the design of the Chairman of the Committee of Foreign Affairs.

But the honorable gentleman has not been content with charging fraud upon the British Government in relation to the late treaty. He has told us that this treaty was accomplished and consummated against the unanimous sentiment of the people of Maine. Sir, I should like to know where the honorable gentleman has found the evidence of this unanimous sentiment of the people of Maine against the treaty of Washington. The Commissioners of Maine were on the spot during the whole period

of its negotiation. They prepared, it is true, a somewhat elaborate argument against relinquishing any part of their territorial claim. But what did they do afterwards? How did they conclude that argument? They gave their formal and unanimous assent to the arrangement which Mr. Webster and Lord Ashburton had agreed on. They signed the treaty. What pretence, then, is there for the assertion, that Maine was dismembered against the unanimous sentiment of her people?

MR. INGERSOLL (Mr. W. yielding the floor for explanation) remarked, that he was sorry this matter was gone into, but the gentleman from Massachusetts provoked him to say (he did not mean any thing offensive) that he (Mr. I.) had in his place, from day to day, been informed by a gentleman from Maine, no longer a member of this House, that all that had been brought about by tricks, practised on the Maine Commissioners, such as were attempted to be practised upon Senators at the other end of the Capitol.

MR. WINTHROP. And neither do I mean any thing offensive; but I must be permitted to say, that I believe Mr. Webster to be quite as incapable of tricks, as the honorable gentleman himself, and that I demand some better evidence of the fact than the private whispers which the gentleman has retailed. Why has not the person who gave this information made it public before this time, upon his own responsibility? If the Maine Commissioners were tricked into an assent to the treaty, why have they not found it out themselves, and disclosed the circumstances? Sir, I deny the whole allegation. This effort to array an opposition against the treaty of Washington, in reference to the Maine boundary, is all an afterthought. At the time it was negotiated, it met with a very general, if not an unanimous, assent in both the States which were interested in the question; in Maine no less than in Massachusetts. And even to this day, all attempts which have been made to get up a public sentiment against the treaty, have signally failed. That treaty was ratified by a vote of five sixths of the Senate; and I have not the slightest belief that some of the Senators who voted against it, (if any of them,) would have dared to take the responsibility of defeating it, if their votes would have pro-

duced such a result. There is no way of securing an impunity in regard to any public measure, more easy and obvious, than to vote against it when you are certain that your vote will not prevent its adoption. If the measure turns out to be acceptable to the country, nobody will care who voted against it; while, if it proves to be unpopular in any quarter, you are at full liberty to unite in denouncing it. This is a political trick, (to borrow the gentleman's term,) which is often played by aspiring politicians. Whether it will account for any part of the opposition to the treaty of Washington, others can judge as well as myself. Whether it will or not, however, is of very little importance. The treaty has commended itself so entirely to the approbation of the American people, that the liberty of finding fault with it has proved utterly worthless. The negotiators are out with all the honors, and there is no chance for tricks to tell. In the whole records of diplomacy, American or European, there can not be found a negotiation which has been hailed with more undivided satisfaction by those who were interested in its results, than this has been by the people of the United States. Its influence will not soon be lost on the civilized world. It will stand on the pages of history, as a noble example of what may be accomplished by the honest arts of Peace, and will impress with the force of conviction on the nations of the earth, the lesson which they have been so long in learning, that war is not the only resort, or the best resort, for settling international disputes, but that true honor may be maintained, real interest secured, just pride preserved, without the sacrifice of a single life, or the libation of one drop of blood!

The honorable gentleman has alluded to Mr. Calhoun, and has expressed his gratification that he has accepted the appointment of Secretary of State. Has he forgotten that one of the ablest speeches made in the Senate of the United States, in support of the late treaty, was made by this distinguished statesman of South Carolina? Has he forgotten, too, that the crowning glory of that treaty, in Mr. Calhoun's estimation, was that it would establish "a permanent amity and peace" between Great Britain and the United States? "A kind Providence (said Mr. Calhoun) has cast our lot on a portion of the globe

sufficiently vast to satisfy the most grasping ambition, and abounding in resources beyond all others, which only require to be fully developed to make us the greatest and most prosperous people on earth." "Peace," said he, "is indeed our policy. Peace is the first of our wants." Why, Sir, if the honorable gentleman will turn to the speech of this political friend and brother democrat of his, he will find it as copious in its eulogies on the blessings of peace, as any of the more recent speeches in the Senate, which he has ridiculed under the title of sermons. I honor Mr. Calhoun for such expressions. Let him carry into the negotiations upon the Oregon question, the same spirit which he manifested in relation to the Treaty of Washington, let him "seek peace and ensue it," in his management of our foreign affairs, and he will have earned a title to the regard of all good men and true patriots. I rejoice to believe that he will do so. On the subject of Oregon, indeed, he is already committed to a pacific policy. The honorable gentleman is quite mistaken in his idea of Mr. Calhoun's argument against the bill for the armed occupation of Oregon last winter. There was nothing whatever in that argument to give the impression that Mr. Calhoun was in favor of giving this notice now or at any early day. On the contrary, the whole strain and stress of the argument was in favor of abstaining altogether from any action upon the subject. "There is often," said Mr. Calhoun, "in the affairs of government, more efficiency and wisdom in non-action than in action. All we want, to effect our object in this case, is a wise and masterly inactivity." "Our population," said he, "will soon — far sooner than anticipated — reach the Rocky Mountains, and be ready to pour into the Oregon Territory, when it will come into our possession without resistance or struggle; or, if there should be resistance, it would be feeble and ineffectual. We would then be as much stronger there, comparatively, than Great Britain, as she is now stronger than we are; and it would then be as idle in her to attempt to assert or maintain her exclusive claim to the Territory against us, as it would now be in us to attempt it against her. Let us be wise, and abide our time, and it will accomplish all that we desire, with far more certainty, and with infinitely less sacrifice, than we can without it."

I have no idea, Mr. Chairman, that it will be in our power, under present circumstances, to avail ourselves of this good advice of Mr. Calhoun, or that he will find himself able, in his new capacity, to leave this question to the operation of time. The ill-advised and most unseasonable debates on this subject, which have taken place in both branches of Congress during the last two years, have not only created an impatience, in some quarters of the country, which will brook no further delay; but have so roused the attention of the British Government to our policy, as to forbid the idea, that they would acquiesce in any further postponement of the question. A new minister from England has, indeed, arrived, who is well understood to be specially charged with the negotiation of it. And it is now to be decided, so far as this House is concerned, in what spirit that negotiation shall be conducted. Shall it be entered on, by this government, in that spirit of menace and defiance which has characterized the whole speech of the honorable gentleman from Pennsylvania; or in that spirit of courtesy and magnanimity which becomes a civilized and Christian, as well as a brave and powerful nation?

Sir, I have already declared my opinion that the required notice for the termination of the joint occupation of Oregon ought not to be given at this moment, in view of our own domestic condition. But a hundred-fold more ill-advised does such a proceeding strike me, in view of our immediate relations to the British Government. In my judgment, it would be an act of rudeness, of indecency, of offence, as unworthy as it would be wanton. What possible pretence of expediency or necessity is there for such a course? Here is an ambassador on the ground, ready at any instant to go into negotiations with us on the subject. But for the deplorable catastrophe which has recently deprived the President of two members of his cabinet, those negotiations would have already been entered on. And is this a moment, — when we have seen no disadvantage and no disgrace in this joint occupation during a term of thirty years, when all Presidents and all parties have acquiesced in its continuance throughout that long period, — is this a moment for insisting on its being brought to a close? Is this a respectful or even a respect-



able mode of meeting the overtures of the British Government for a settlement of the Oregon question? Will it give us an increased hope of effecting such a settlement amicably, honorably, satisfactorily, to tell the British minister, "Sir, we will allow a year for this business. At the end of that time, we shall cry havoc, and let slip the dogs of war?" The honorable gentleman has alluded to the code of honor, and to the manner of settling difficulties among gentlemen. There are those present, doubtless, who understand the nice points of that code. What would be thought by them, if, while negotiations of this sort were pending, one of the parties should undertake to limit the time within which there must be a settlement or a fight? Undoubtedly, Mr. Chairman, we have a right to give such a notice to Great Britain, but, in my judgment, the exercise of that right at this moment would not only tend to protract, embarrass, and ultimately defeat the negotiations which are now about to be opened, but would impair the honor of this nation in the estimation of the civilized world. We should be reproached and rebuked for it by the general sense of Europe. And is the American character abroad at so high a mark at this moment, that we can afford to trifle with it? True, Sir, many of the censures which have recently been cast on this Republic are unreasonable. Perhaps I might agree with the honorable gentleman from Pennsylvania, that the attacks which have been made upon the character and honesty of his own Commonwealth, and which seem to have so sharpened the edge of his acrimony against England, are a good deal overcharged. At any rate, I feel as strongly as any one the injustice of involving the whole nation in the repudiation of two or three of the separate States; and the same discrimination between the acts of individual States and the acts of the United States may, I am aware, be pleaded in explanation of other circumstances which have brought reproach from some quarters upon our national good name. But the fact is not less true, nor less lamentable, that our character as a nation, in one way or another, justly or unjustly, has been not a little lowered, of late years, in the regard of foreign nations. Now, Sir, for whatever we do in relation to this question of Oregon, we can set up no divided responsibility. The Nation, as a Nation, must

do whatever is done; and the Nation, as a Nation, must be held answerable. Let us, then, forbear from pursuing any course, from taking any step, from expressing any purpose, which may give color to a new stain upon our national character. Let us desist from all action and all discussion of this subject until Mr. Pakenham has, at least, opened his budget, and until our own Government, too, is in a condition to pursue with vigor and effect whatever policy we may ultimately be compelled to adopt.

But the honorable gentleman from Pennsylvania finds nothing to regret in the state of opinion abroad as to the American character; he even rejoices at the violent and vituperative tone of the British press in relation to his own State. And why? Because he thinks it may have a tendency to counteract the idolatrous disposition which exists in some parts of this country towards Great Britain! Mr. Chairman, I know of nothing more worthy of condemnation in the political history of the present day, than the systematic effort of the self-styled Democratic party of this country to stir up a prejudice against England upon every occasion, and to create an impression that every man who does not fall in with their principles and their policy is in some sort of British interest, or under some kind of British influence. There are some of the leaders of this party, with whom hatred to England would seem to be the only standard of American patriotism, and with whom it seems to be enough to determine their course upon all questions either of right or of expediency, to know what will be most offensive to the British power. War, war with England, is the ever-burning passion of their soul; and any one who pursues a policy or advocates a measure which may postpone or avert the consummation which they so devoutly desire, becomes the chosen object of their insinuations and reproaches. For myself, Sir, I hold in utter contempt all such insinuations. If it be a fit subject for reproach, to entertain the most anxious and ardent desire for the peace of this country, its peace with England, its peace with all the world, I submit myself willingly to the fullest measure of that reproach. War between the United States and Great Britain for Oregon! Sir, there is something in this idea too monstrous to be entertained for a moment. The two greatest nations on the globe,

with more territorial possessions than they know what to do with already, and bound together by so many ties of kindred, and language, and commercial interest, going to war for a piece of barren earth! Why, it would put back the cause of civilization a whole century, and would be enough not merely to call down the rebuke of men, but the curse of God. I do not yield to the honorable gentleman in a just concern for the national honor. I am ready to maintain that honor, whenever it is really at stake, against Great Britain as readily as against any other nation. Indeed, if war is to come upon us, I am quite willing that it should be war with a first-rate power — with a foeman worthy of our steel.

"Oh! the blood more stirs,  
To rouse a lion, than to start a hare."

If the young Queen of England were the veritable Victoria whom the ancient poets have sometimes described as descending from the right hand of Jupiter to crown the banner of predestined Triumph, I would still not shrink from the attempt to vindicate the rights of my country on every proper occasion. To her forces, however, as well as to ours, may come the "*cita mors*," as well as the "*Victoria laeta*." We have nothing to fear from a protracted war with any nation, though our want of preparation might give us the worst of it in the first encounter. We are all and always ready for war, when there is no other alternative for maintaining our country's honor. We are all and always ready for any war into which a Christian man, in a civilized land, and in this age of the world, can have the face to enter. But I thank God that there are very few such cases. War and honor are fast getting to have less and less to do with each other. The highest honor of any country is to preserve peace, even under provocations which might justify war. The deepest disgrace to any country is to plunge into war under circumstances which leave the honorable alternative of peace. I heartily hope and trust, Sir, that in deference to the sense of the civilized world, in deference to that spirit of Christianity which is now spreading its benign and healing influences over both hemispheres with such signal rapidity, we shall explore the whole field of diplomacy, and exhaust every art of negotiation, before we give loose

to that passion for conflict which the honorable gentleman from Pennsylvania seems to regard as so grand and glorious an element of the American character.

But Great Britain is so grasping, so aggressive, so insidious and insolent, so overreaching and overbearing! Does not her banner flout us at every turn? Does not her drum-beat disturb our dreams by night, and almost drown our voices by day? Is she not hemming us in on every side; compassing us about in a daily diminishing circle; and are not our outer walls already tottering at the sound of her trumpets? Nay, have not her blandishments succeeded even where, as yet, her arms have failed? Has she not scaled our very ramparts and penetrated to our very citadel in a shower of corrupting gold? What but British gold carried the last Presidential election against the people? What but British gold is about to carry the next? What were the twelve hundred and seventy-five thousand voters who deposed Mr. Van Buren from the chief magistracy in 1840, and who are rallying again, with renewed energy, to the old watchwords, against his restoration, but so many British Whigs? Is there a Whig, in all the land, who dares deny, that when he voted for General Harrison, he had a British heart in his bosom, and a British sovereign in his pocket? — Mr. Chairman, let me call to the remembrance of the committee a story which was introduced by the celebrated George Canning into one of his speeches in the House of Commons, and which has thus the highest sanction as being not beneath the dignity of parliamentary debate. It is the story of a painter, who had made himself somewhat eminent in the professional sphere in which he moved, but who had directed his art altogether to one favorite subject. This subject was a red lion, which he had learned to depict in great perfection. One of his earliest patrons was the keeper of a public house, who wished something appropriate painted on his sign-board. The painter, of course, executed his red lion. A gentleman in the vicinity, who had a new mansion-house which he wished to have ornamented, was the next employer of the artist, and, in order to afford him full scope for his genius, gave him his own choice of a subject for the principal panel in his dining-room. The artist took time to deliberate, and then said, with the utmost

gravity, "don't you think that a handsome red lion would have a fine effect in this situation?" The gentleman, as you may imagine, did not feel quite satisfied with the selection, but resolved to let the painter follow his own fancy in this instance, trusting to have a design of more elegance and distinction in his drawing-room or library, to which he next conducted him. "Here," said he, "I must have something striking; the space is small, and the device must be proportionably delicate." The painter paused; appeared to dive down to the very bottom of his invention and thence to ascend again to its highest heaven for an idea, and then said, "what do you think of a small red lion?"

Well now, Sir, the course of a certain class of politicians in this country seems to me to have a most marvellous analogy to that of the painter in this story. This cry of British Whigs, this clamor about British gold, this never-ending alarum about British aggression and British encroachment, this introduction of the red lion on every occasion, seems to be the one great reliance of the political artists of a certain school. There is always a lion in the path of the self-styled Democratic party of the United States; a British lion, red with the blood of cruelty and oppression, which it is their peculiar mission to slay, but which the Whigs are leagued together to defend. Whatever principle, whatever project, may be under discussion in this House, or before the people, the red lion is sure to be on the ground. Red lion here, red lion there, red lion everywhere! Why, Sir, even on the question of refunding to General Jackson the fine which was imposed on him for setting at defiance the civil authorities of the land, and imprisoning the judge who dared to confront him with a writ of habeas corpus, it was thought "that a small red lion might have a fine effect in that situation." And a very small one it certainly was. It was suggested that the judge was an Englishman by birth. He was known to have come over to America in early youth. His residence here could be traced back to the fifteenth or sixteenth year of his age; but there was reason to apprehend, though even that was not altogether certain, that he was born in England; and, therefore, all those who were unwilling to annul his judicial decree, and to admit that he was rightfully insulted and imprisoned, were little better than so many

British Whigs. Was not that, Sir, a very little red lion indeed? This Oregon question, however, presents a larger panel, and here, of course, a flaming lion is shown up in its full dimensions. The Texas question affords a larger field still, with far more room for the fancy to expatiate in; and although the canvas is but just unrolled, the teeming invention of these unrivalled artists has already done its work, with something of that celerity which Milton has so glowingly attributed to Creative Power:

"Now half appeared  
The tawny lion, pawing to get free  
His hinder parts, then springs, as broke from bonds,  
And rampant shakes his brinded mane!"

Mr. Chairman, is it possible that the honorable gentleman from Pennsylvania and his political friends can be mad enough to believe that the people of this country can be wrought upon by such conceits? Let me assure them that they do injustice to the intelligence of the people. "'T is the eye of childhood that fears a painted devil." The manly sense of this nation will scorn such appeals to fear and folly. Conscious of their own integrity, and resolved on the vindication of their own rights, the people will neither be frightened from their propriety, nor diverted from their purpose, by such devices. They proved this in 1840; they will make assurance doubly sure in 1844.

A word or two about Texas, and I have done. The honorable gentleman from Pennsylvania, among other most inconclusive reasons for the adoption of the resolution which has been condemned as inexpedient by the committee over which he presides, has told us, that "he holds it to be incompetent for the mere treaty-making power to part with any portion of the territory of the United States, or to settle a boundary question, without the consent and coöperation of the House of Representatives." And he has appealed to the Massachusetts delegation, and called upon myself in particular, "as one who has loudly expressed an apprehension of the stealthy annexation of Texas to this Union by a clandestine treaty," to unite with him on this analogous question of Oregon, and insist on the right of Representative action on the subject. Sir, I shall enter into no argument as

to the extent of the treaty-making power of this Government in regard to the particular measures which the gentleman has specified in his proposition. Even if I assented to the full import of that proposition, which I certainly do not, it would form no ground for that union with him on the pending question, to which he invites me. Even if it were the admitted prerogative of this House to give advice or prescribe action to the Executive on the subjects he has named, it would be no reason for our giving bad advice, or prescribing injudicious or unwarrantable action. But "the analogous questions" of Oregon and Texas! Sir, I deny that there is any analogy whatever between those questions. The Texas question is not in any sense a question of parting with territory or settling a boundary line. It is not even a question of annexing territory. It is a question of amalgamating a foreign sovereignty with our own sovereignty; of annexing a foreign State to our own State. It is such a question as would be presented by a proposition to reannex the United States to Great Britain, or to amalgamate Great Britain with the United States. This, the gentleman must remember, was the distinction taken by Mr. Van Buren and Mr. Forsyth in 1837. They maintained, that "the question of the annexation of a foreign independent State to the United States had never before been presented to this Government." They maintained, that the circumstance of Louisiana and Florida being colonial possessions of France and Spain, rendered the purchase of those Territories materially different from the proposed annexation of Texas. "Whether the Constitution of the United States," they added, "contemplated the annexation of such a State, and, if so, in what manner that object is to be effected, are questions, in the opinion of the President, which it would be inexpedient, under present circumstances, to agitate."

And now, Mr. Chairman, I go much farther than the honorable gentleman from Pennsylvania, on this subject. I not only deny the competency of the treaty-making power of this Government to negotiate any such amalgamation as this, without the coöperation of the House of Representatives; but I deny that our coöperation can confer or supply that competency. Certainly, certainly, the Constitution did not contemplate the annexation

of such a State. *Provoco ad populum!* The people, in their own right, are alone competent to pronounce the doom, which is to bind up the fortunes of this Republic in the same bundle of life or death with those of any foreign power; and I hope and believe that they will disown and renounce any Executive or any Legislative act, which shall infringe upon this — their own supreme prerogative. I trust that they will not be deluded by any false alarm, by any red lion representation, that Texas is about to be made a colonial possession of Great Britain. The British Government have no such purpose. Our own Government know this. And if Texas be foisted into the Union upon any such pretence, it will be an act as fraudulent in its inception, as it will, under any circumstances, be pernicious in its result.



## THE ANNEXATION OF TEXAS.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, JANUARY 6, 1845.

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I HAVE very little hope, Mr. Chairman, of saying any thing new on the question before us, or of giving any new interest or force to the views which have already been presented, both to Congress and the Country, by the master minds of the nation. Certainly, I have not risen to attempt any formal response to the challenge which was tendered me a few days since by the chairman of the Committee on Foreign Affairs, (Mr. C. J. Ingersoll.) That gentleman was pleased to call on me emphatically for an argument. He was particular in warning me against declamation. He would be contented with nothing short of an argument. Now, Sir, I must be allowed to say that such a call, and such a caution, would have come with something of a better grace from the honorable member, if he had given me the example as well as the precept. If he had "reck'd his own rede," and had given to the House something better than a desultory string of bald assertions and balder assumptions, he might have thrown down the gauntlet to whom he pleased. But I must protest that it was a little ungracious in the honorable member, to urge upon me the steep and thorny way of arguing a negative, after sauntering along the primrose path of dalliance himself, with the burden of the affirmative fairly upon his own shoulders.

The honorable member from Alabama, (Mr. Payne,) who spoke last, was somewhat in the same vein. "He would not entertain the House with a mere Fourth of July oration." He, too, wanted nothing but an argument. Now, with all deference

to the better judgment of the honorable member, I must be allowed to express a doubt, whether a good Fourth of July oration would not be one of the best arguments that could be framed for this precise occasion. When men seem ready to forget their own country, and to run after foreign alliances; to disregard the feelings of their fellow-citizens, and expend their sympathies upon aliens; and to look more to the security of slavery than of freedom; it seems to me, Mr. Chairman, that some remembrance of the Fourth of July; that some recalling and recounting of the early days, and the early deeds of our Revolution; that some reminiscences of the period when Virginia, and South Carolina, and Massachusetts, were bound together by mutual league, by united thoughts and counsels, by equal hope and hazard in the glorious enterprise of Independence; that some recurrence to the opinions, as well as to the acts, of our patriot fathers; their opinions about freedom, and about what constituted "an extension of the area of freedom;" their opinions, too, about slavery, in those days, when one of the greatest complaints against Great Britain was, not that she considered slavery an evil, and, having abolished it at great cost in her own colonies, had expressed a wish,—no further harm,—a wish that it might be abolished throughout the world,—but that she regarded it as the source of a profitable traffic; that she would not suffer South Carolina and Virginia to abolish it; and had even reprimanded a Governor of South Carolina for assenting to an act for that purpose;—it seems to me, I say, that some such Fourth of July oration as this, would be an argument every way suitable and seasonable.

At any rate, the stricter argument of this case belongs rightfully to those in favor of the annexation. It belongs to those who seek to accomplish this momentous change in our national condition and our national identity. It belongs to those who are dissatisfied with their existing country, and who are ready to peril its peace, its honor, and its union, in order to obtain another and an ampler theatre for their transcendent patriotism. It is for them to argue this question. It is for them to make a case. It is for them, to show the consummate policy of the measure. It is for them, above all, to prove their constitutional power to accomplish it.

As for us, Mr. Chairman, who seek no change, who are content with our country as it is, who look to its augmentation by internal development and not by external acquisition, whose only policy it is to improve, build up, illustrate, and defend the land and the liberties we now enjoy,—we might well be excused from arguments of any sort on such a subject. It would be enough for us to sit quietly in our seats, and, when called on to give our voices upon these resolutions, to say of our country, as the barons of old England said of their laws, when threatened with usurpation : *Nolumus, nolumus mutari !*

Sir, I desire to press this point upon the consideration and upon the consciences of gentlemen around me ; and more especially of those who, being associated politically with the friends of annexation, are understood to entertain doubts as to the constitutionality of the scheme proposed. We have a Constitution. We have sworn to support it. It is a Constitution of limited powers—of specific grants of power. It declares in its own terms that “the enumeration of certain rights shall not be construed to deny or disparage others retained by the people.” It declares further, that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” It is thus the duty of every man who gives his support to a measure of legislation, to be convinced in his own mind that the measure is positively constitutional. It is not for him to call for arguments from others to prove it unconstitutional. It is not for him to find justification for his vote in the feebleness or in the silence of those who deny his power, but in the force and the convincing proof of those who maintain it. Still less is it for him to adopt the extraordinary doctrine advanced by an honorable member from Alabama, (Mr. Belser,) who has told us that, in case of constitutional difficulty on this question, he should follow the maxim of Hoyle : “Where you are in doubt, take the trick !” Northern gentlemen have often been charged with latitudinarianism in their interpretation of the Constitution. They profess to be always in favor of a liberal construction of it. But they have never yet carried their liberality to such a pitch as this. It may be the attribute of a good judge to amplify his

jurisdiction; but we hold it to be the duty of an honest republican legislator, under a limited Government like ours, to exercise no doubtful powers; and to believe nothing constitutional without a reason, a substantial reason, for the faith that is in him.

I am not at all surprised, however, at the disposition which has been manifested in some quarters to shift the burden of proof, and to call for arguments from others, instead of attempting to make a case for themselves. Unquestionably the friends of Texas in this House have a heavy task on their hands. Unable to agree upon any plan among themselves; having exhausted every art for reconciling their discordant opinions; the *ultima ratio* of a letter from the Hermitage, even, having been resorted to in vain; the old Roman cement having altogether lost its cohesive quality upon this occasion; their only hope seems now to be, that, by throwing all their individual schemes before the Committee, the blows of their enemies may prove more efficient than the love-pats of their friends, and may knock some one of them into a shape, or impress upon some one of them a color, which will secure for it the support of a majority. I have reason to think that the members from Massachusetts, and of the Northern States generally, are relied upon to perform a principal part in this moulding and coloring process. It seems to be hoped that the anti-slavery feeling which we are supposed to represent, will exhibit itself to such an excess, will be betrayed into such an intemperate outbreak upon this question, as to embarrass the position of some of our Whig friends from the South, and either to compel them to vote for annexation now, or to stimulate the States which they represent to send back to the next Congress those who will. ✓

Such, Mr. Chairman, is the forlorn hope of the friends of Texas at this moment. I trust they will be disappointed in it. They have already elected a President under some such influence. But I rejoice to believe that they will fail in annexing Texas by it, at this session at least. I certainly, for one, shall minister to no such mischief. I have no hesitation in saying that I shall oppose the annexation of Texas, now and always, upon the ground that it involves an extension of domestic slavery. No considerations of National aggrandizement; no ✓

allurements of Northern interest and advantage; were they even as real, as in this case they are specious and delusive; will ever win my assent to such an enlargement of the slave-holding territory of my country. Nor shall I hesitate to speak of slavery in connection with this question, if my time be not exhausted before I reach that topic in the order of my remarks. I shall do so firmly and fearlessly, as I have always done in this House and elsewhere; but I shall do so in a spirit of entire deference to the Constitution, which I have sworn to support, and which it is my special purpose in these remarks to maintain and vindicate. I shall speak of slavery, too, with the most unqualified admission, which no Northern statesman has ever withheld, that over slavery, as it now exists within any of the existing States of the Union, this government has no manner of control.

No, Sir, this question is not to be settled in this manner, or in any manner, I trust, at the present session. As often, indeed, as I reflect on its magnitude, I find it difficult to realize that it is really and in good faith before us for decision. Certainly, Mr. Chairman, it is impossible for me to reconcile, with any views which I entertain of the nature of our government and the character of our Constitution, the idea that such a question as this can be decided finally and forever, here and now, by this Congress, in this way, under these circumstances. An irrevocable incorporation into our Union of a vast foreign nation; the naturalization, by a stroke of the pen, of I know not how many thousand Mexicans, and of all the other aliens who may have resided six months in Texas; the admission of five-and-twenty thousand slaves into our country, in defiance of that compromise of the Constitution and laws under which no slaves were to be admitted after the year 1808; the annexation of a territory large enough to alter all the relations and destroy all the balances of our existing system, of a capacity not merely for adding new stars to our Constellation, but for disturbing the courses, and even changing the orbits, of those which are now revolving in harmony together—for turning them upon a new centre and towards another sun; that such a measure should be initiated, carried on, and consummated as this has been, and is now proposed to be, is, in my judgment, monstrous, monstrous beyond all expression.

What, Sir, is the brief history of this measure? Secretly and stealthily concocted originally by a President not of the people's choice, by an accidental occupant of the Executive chair; devised by him for his own ambitious ends, and upon his own individual responsibility;—let me rather say *irresponsibility*, (for the history of the last twelve or fifteen years has proved that our Republican President is the most irresponsible officer known to the civilized world, and may do with impunity what would cost many a king his crown, neck and all,)—rejected emphatically by the Senate, to whom, as a legitimate branch of the treaty-making power, it was submitted; it has now been introduced into this House, after a single hour's deliberation in the Committee on Foreign Affairs, and is about to be pressed to a decision with as little ceremony as an act to pay an annual salary, or to establish a new post route! Why, Sir, if it were a mere question of foreign relations,—if it concerned no interest, affected no right, touched no prerogative of our own American people, a course like this would be extraordinary enough; but, reaching as this measure does to the very sum of our own domestic affairs, influencing, as it will, the whole destiny of our country as long as our country may survive it, such a mode of proceeding is calculated to excite alarm in the breast of every reflecting patriot.

Mr. Chairman, there are many distinct views to be taken of this transaction, either of which would more than exhaust the little time allowed us under the hour rule. There is the Executive view of it; displaying as much of assumption and usurpation, in all its civil and all its military developments, as has ever signalized an equal period in the history of the most despotic ruler in Christendom. There is the Diplomatic view of it; exhibiting a correspondence which, I venture to say, has made more than are willing to acknowledge it, blush, and cover their faces in shame, at such a degradation of our national character before the world. I am glad to find that even the Chairman of the Committee on Foreign Affairs has not been quite able to suppress an intimation of disgust for some of the State papers and diplomatic correspondence of the case.

There is the Texan view of the question, too. Sir, I have

never cherished any particular sympathy for the people of Texas. I have heretofore been rather inclined to agree with Governor McDuffie in the views presented in an admirable message of his to the Legislature of South Carolina in December, 1836; in which he not only expressed the opinion that "if we should admit Texas into our Union while Mexico is still waging war against that Province, with a view to reëstablish her supremacy over it, we should, by the very act itself, make ourselves a party to the war," and that we could not "take this step without incurring this heavy responsibility, until Mexico herself shall recognize the independence of her revolted Province;" but in which he said also, "I am utterly at a loss to perceive what title either of the parties to this controversy can have to the sympathies of the American people. If it be alleged that the insurgents of Texas are emigrants from the United States, it is obvious to reply that, by their voluntary expatriation, under whatever circumstances of adventure, of speculation, of honor, or of infamy, they have forfeited all claim to our paternal regard. If it be true that they have left a land of freedom for a land of despotism, they have done it with their eyes open, and deserve their destiny." Perhaps this language is a little too severe, but I am clearly of opinion that men who have deserted their own country for a foreign soil, are not preëminently entitled to our freshest and most cordial sympathies.

I confess, however, that recent circumstances have created something of reaction in my mind in regard to the people of Texas. I cannot help feeling some sympathy with that people under the precise circumstances in which they are now placed; betrayed, as they have been, into so humiliating a posture, by false pretences and false promises. Where has been the fulfilment of that promise which a President of the United States, speaking through his Secretary of State, dared to hold out to them a year ago: "Measures have been taken to ascertain the opinions and views of Senators upon the subject, and it is found that a clear constitutional majority of two thirds are in favor of the measure!" Sir, may we not begin to entertain a hope that the people of Texas will awake to some respect for themselves under the treatment they have received, and will

no longer suffer themselves to be duped and trifled with either by Presidents or Congresses? If they would summon up something of a just national pride, repel all further overtures to annexation, expose all the arts and intrigues by which they have been seduced, and resolve to maintain their stand as an independent nation against Mexico and against the world, the "God speed" of all good men would go with them. There seems to be some probability of such a movement. The Chairman of the Committee on Foreign Affairs has warned us of the danger of delay. "There is nothing to be dreaded," says he, "but delay. Delay is imminently dangerous." And why is delay dangerous? Because, says he, "there must be in Texas a great deal of personal selfish opposition to annexation. Many eminent men may oppose it." What a confession is this! So we are not only to get the start of the sober second thought of our own American people upon this question, but of the people of Texas, too! We are to take a snap judgment on the willingness of both nations to enter upon this fatal marriage!

But I turn to even graver views of the subject. When the measure was originally reported from the Committee of which I have the honor to be a member, I denounced it off-hand as unconstitutional in substance and unconstitutional in form; as in violation of the law of nations, and of the good faith of our own country; as calculated to involve us in an unjust and dishonorable war; and as eminently objectionable from its relations to the subject of domestic slavery. The honorable member from Alabama (Mr. Payne) has been pleased to denominate this my *manifesto*, and has done me the undeserved honor of considering me the spokesman of my party in pronouncing it. I spoke for nobody but myself then, and am authorized to speak for nobody but myself now. But I repeat the expressions deliberately this morning, and shall take them as my text in what remains of my hour.

And first, Mr. Chairman, I am one of those who deny the authority of this government to annex a foreign nation to our Union, by any process whatever, short of the general consent of the people; certainly by any mode less formal than that required



for an amendment of the Constitution. Gentlemen tell us that this point was settled by the purchase of Louisiana and Florida. No, no, Sir, it was not settled by either of those cases. What said Mr. Van Buren in 1837? What said Mr. Forsyth, expressing, as he undoubtedly did, the result of the deliberations of Mr. Van Buren's entire Cabinet? His official reply to Mr. Memucan Hunt has been often quoted, but cannot be too often held up before the eyes of the people :—

"The question of the annexation of a foreign independent State to the United States has never before been presented to this government. Since the adoption of their Constitution, two large additions have been made to the domain originally claimed by the United States."

"The circumstance, however, of their being colonial possessions of France and Spain, and therefore dependent on the metropolitan governments, renders those transactions materially different from that which would be presented by the question of the annexation of Texas. The latter is a State, with an independent government, acknowledged as such by the United States, and claiming a territory beyond, though bordering on, the region ceded by France in the treaty of the 30th of April, 1803. Whether the Constitution of the United States contemplated the annexation of such a State, and, if so, in what manner that object is to be effected, are questions, in the opinion of the President, it would be inexpedient, under existing circumstances, to agitate."

Here is no pretence of the right to annex, and much less to reannex, Texas under the Louisiana or Florida precedents. Here is not a word about Texas having been sacrificed by the Florida treaty. The Texan territory is declared to be "beyond, though bordering on, the region ceded by France in the treaty of the 30th of April, 1803." The Louisiana and Florida precedents are declared to be "materially different" from the question of the annexation of Texas. And the point is expressly proposed, as one for doubt, to say the least, whether the Constitution ever contemplated the annexation of such a State.

But who are the persons who declare so impatiently, that the constitutional power of Congress to annex Texas has been settled by precedent? They are those who deny the authority of precedent upon every other question but this. They are those by whom the idea is utterly rejected and derided, that the signatures of Washington and Madison to the charters of a National Bank, and the existence of such an institution for forty years, are to be considered as settling the constitutionality of its incor-

poration; and who are hailing the reestablishment of the Sub-Treasury system as a return to the Constitution, — as a restoration of the government, under the auspices of Jackson and Tyler, to that state of original purity from which it was corruptly perverted by Washington and Madison! Cicero tells us of some occasion on which the Roman augurs could not look each other in the face without laughing; and it would be even more impossible, I should imagine, for those initiated in the mysteries of either General Jackson's or Mr. Tyler's administrations, to preserve their gravity at such an idea as this. But who, again, are those who maintain so stoutly the binding obligation of precedent on this occasion? They are those, in part, who are just ready to make a new attempt at nullifying a protective tariff, although the preamble of the first Revenue Law upon the statute book declares, that the encouragement of domestic industry was one of its principal objects, and although every President of the United States, from Washington to Jackson inclusive, has put his name to bills or messages distinctly recognizing the same principle!

Sir, I am no despiser of precedents. For the deliberate decisions of our early Congresses and Cabinets upon questions of constitutional intention and interpretation, I entertain the most deferential respect. But for the Louisiana precedent, even if it were not "materially different" from the question before us, I profess to entertain no respect whatever. If it be a precedent for any thing, it is a precedent for the successful violation of the Constitution, and not for its just interpretation and execution. It is of that school of political morality which declares that "where there is a will, there is a way." It belongs to the Hoyle principle of action — "where you are in doubt, take the trick." I say this in no spirit of disrespect to Mr. Jefferson.

Everybody knows that Mr. Jefferson himself admitted that, in the acquisition of Louisiana, he had done "an act beyond the Constitution," and that he repeatedly besought his friends to procure the adoption of an amendment to the Constitution to ratify the act. His views were such as no unprejudiced mind can resist. "When I consider (said he) that the limits of the United States are precisely fixed by the treaty of 1783, that the

Constitution expressly declares itself to be made for the United States, I cannot help believing that the intention was not to permit Congress to admit into the Union new States which should be formed *out* of the Territory, for which and under whose authority alone they were then acting. I do not believe it was meant that they might receive England, Ireland, Holland, &c., into it."

And who can doubt that Mr. Jefferson was right in this judgment? Who can imagine that the people of 1789 intended to make a Constitution for any country but their own country; or ever dreamed that they were giving authority to their temporary representatives, to yoke them in, to bind up their fortunes forever, with any foreign nation, which, by its scrip or its land warrants, or by any other influence, worthy or unworthy, might have obtained favor in our legislative councils?

The honorable member from Alabama considered this whole question settled by the express authority of Congress to "admit new States." Even his interpretation of the Constitution, however, would not cover the present proposition. Here is a territory to be acquired, as well as a State to be admitted. Indeed, the resolutions reported by the Committee of Foreign Affairs make no pretension to admitting Texas, or any part of it, as a State. Nor do either of the pending amendments. They propose a mere acquisition of territory, and annihilate Texas as a State in the very act of annexation. But the whole history and context of the Constitution forbid such an interpretation of the power to admit new States, as the honorable member contends for. At the time of the formation of the Constitution there were large territories belonging to the States, or already ceded to the nation, out of which new States were to be formed. The Constitution itself was to go into effect whenever ratified by nine States, and there was no knowing how long the other four of the old thirteen might hold off. These views are amply sufficient to fulfil the reasonable intent of the clause giving authority to admit new States. More than that, a proposition was expressly negatived in the convention by which the Constitution was framed, by a vote of eight States to three, declaring that "the Legislature of the United States shall have power to

erect new States within as well as without the territory claimed by the several States, or either of them, and admit the same into the Union." And this was the very last vote before the adoption of the clause in its present form!

An attempt has been made to derive an inference in favor of this proceeding from the articles of confederation, and to represent the power to admit new States into the Union as a mere extension of the provision by which Canada and other colonies might have been admitted into the old confederacy. But no such inference can be sustained for a moment by any one who looks to the contemporaneous construction of this clause of the Constitution by Mr. Madison, in the *Federalist*.

"In the articles of Confederation (says he) no provision is found on this important subject. Canada was to be admitted of right, on her joining in the measures of the United States, and the other Colonies, by which were evidently meant, the other British Colonies, at the discretion of nine States. The eventual establishment of new States, seems to have been overlooked by the compilers of that instrument. We have seen the inconvenience of this omission, and the assumption of power into which Congress have been led by it. With great propriety, therefore, has the new system supplied the defect. The general precaution, that no new States shall be formed, without the concurrence of the federal authority and that of the States concerned, is consonant to the principles which ought to govern such transactions. The particular precaution against the erection of new States, by the partition of a State without its consent, quiets the jealousy of the larger States; as that of the smaller is quieted by a like precaution against a junction of States without their consent."

Here, Sir, is the whole commentary on the power to admit new States, in the celebrated work by which the Constitution was explained and recommended to the people. How entirely it negatives the idea of any analogy between this article of the Constitution and the Canada clause of the confederation! How distinctly it asserts the difference between admitting foreign colonies and admitting new States! How plainly it implies that the States to be admitted were to be literally new States, established on our own national territory, and under our own national authority! Who can believe for a moment, after reading it, that the admission of foreign States was within the most remote contemplation of those by whom the provision was framed? How could Mr. Madison have omitted all allusion to such an idea, if, in his opinion, it were embraced within the legitimate construction of the clause!

Sir, there are other passages in Mr. Madison's masterly essays upon the Constitution, equally conclusive as to the understanding of the framers of the Constitution. We all know that one of the great objections arrayed against the establishment of our National Government in 1789, was drawn from the extent of country over which it was to operate. Not a few of the people of that day considered it impossible, that a republican system could be rendered effective, even throughout the whole of the territory which we then possessed. One of Mr. Madison's replies to this objection is full of significance in regard to the constitutional question which we are now considering.

"A second observation to be made (says he) is, that the immediate object of the Federal Constitution, is to secure the union of the thirteen primitive States, which we know to be practicable: and to add to them such other States, as may arise in their own bosoms, or in their neighborhoods, which we cannot doubt to be equally practicable. The arrangements that may be necessary for those angles and fractions of our territory, which lie on our northwestern frontier, must be left to those whom further discoveries and experience will render more equal to the task."

How irresistible is the inference from language like this! The object of the Constitution is stated to be, to secure the union of the existing States, and to add to them such other States as may arise in their own bosoms, or in their neighborhoods; while the only difficulty which is contemplated, is declared to be in relation to "those angles and fractions of our territory which lie on our northwestern frontier."

There were compromises entered into, also, at the adoption of the Constitution, utterly inconsistent with a construction such as is now set up. The slave basis compromise, which has been so often alluded to of late, and which Massachusetts has been falsely accused of a design to violate, because she saw fit to exercise her constitutional prerogative of proposing an amendment to the Constitution, was arranged with unquestionable reference to our country as it then was. There was no Louisiana then. There was no Florida then. The great Northwestern Territory had been dedicated to human liberty forever, by the immortal ordinance of 1787; an act which proved conclusively what our fathers understood by "an extension of the area of freedom." Slavery was nowhere regarded as a blessing; was

nowhere proclaimed (as it has recently been proclaimed by the Secretary of State, in the correspondence to which this subject has given occasion,) "a political institution, essential to the peace, safety, and prosperity of those States of the Union in which it exists." Its gradual extinction, on the other hand, was hopefully and confidently predicted. It was supposed that, as long as it continued, a great and growing preponderance would be secured to the free States, and the three fifths principle was admitted upon this understanding alone. This, at least, is my reading of the history of those times.

Mr. Chairman, the Constitution of the United States ceases to be that Constitution to which the States have assented, both in relation to this and to others of its provisions, when its authority is thus extended beyond the original sphere for which it was designed. That instrument is as essentially changed by a change of its parties, as by a change of its provisions, and the same power is alone competent to both. It is for the people alone, not by the equivocal expression of a Presidential election, but by the solemn forms prescribed by their own Constitution, to say, whether they will admit new members into their copartnership, and upon what terms. Nay, I doubt whether even an amendment of the Constitution, ratified even by three fourths of the States, ought to be considered as forcing the other fourth to submit to a measure of this sort. The annexation of a foreign nation to this nation, or of this nation to a foreign nation, is a change of our country as well as a change of our Constitution. It is bringing us into association with those with whom we have never agreed to be associated. It is a new compact, into which each individual State ought to have, and has, the right of saying for itself whether it is willing to enter, as fully as each State had originally the right of saying whether it would enter into the compact which now binds us together. If ever there was a question which appealed directly to State rights, this is it; and it will be a mockery to suggest the existence of any such rights from this time forth, if this measure can be consummated in defiance of them. Massachusetts is not accustomed to indulge in threats of disunion. They are the abundant products of other soils. She loves the Union. In her name I would say,

let the day perish in which it shall be said, "this Union is dissolved;" let it not be joined unto the days of the year; let it not come into the number of the months! The language of her excellent Governor, in a message received by this morning's mail, is the language of all her citizens.

"Massachusetts as a State, has ever maintained, and ever will maintain, the whole of the Constitution of the United States. All her people love and respect it. Hard and unequal as she considers this feature of that honored instrument, she will bow to it with reverence so long as it remains the supreme law of the land. She regards all the guaranties of the Constitution, whether they relate to the institutions of the North or the South, as equally binding upon every member of the Union. She will stand by the Union and the Constitution as they were formed, let them be assailed from what quarter they may, and with inviolable fidelity perform all her obligations towards them."

Massachusetts desires the establishment of no new confederation. Her sons would go to the formation of another government, as the ancient Jews to the building of the second Temple, not without many tears at the remembrance of the first. But, Sir, the Union which they love, is the Union as it is. And if there be any thing which would shake that attachment, any thing which would absolve her and all the States from their owed allegiance to the Constitution, it is precisely such an act as is now before us. It may remain to be seen, after its consummation, whether any of the States will claim the advantage of such an absolution.

I come next, Mr. Chairman, to a consideration of the mode in which the annexation of Texas is now proposed to be accomplished. The forms of free government have often been said to survive the substance; and I trust that not a few of those who are willing to adopt this measure in the abstract, will refuse to unite for that purpose in any palpable infraction of constitutional forms. The resolution reported by the Committee on Foreign Affairs is, in my judgment, such an infraction; so palpable and so plain, that, as the venerable Gallatin has said in his letter of last month, "one may well fear to obscure that which is self-evident, by adding any argument to the simple recital of the constitutional provision, and of the proposed resolution."

Sir, if there be any thing clear from the distribution of powers contained in the Constitution, it is that this House has no authority whatever to make a treaty, compact, bargain, settlement, call

it what you will, with a foreign power. This House may be, and often is, called on to carry out a treaty already made, by the appropriation of money or otherwise; and gentlemen may differ as to how far we have any discretion in such cases, and how far our obligation is specific and positive to fulfil the provisions of a treaty. But, so far as the making of the treaty is concerned, the whole power is with the President and Senate. "The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur." This is the language of the Constitution.

And what are treaties? "A treaty," says Thomas Jefferson, in his manual, "is a law of the land. It differs from other laws only, as it must have the consent of a foreign nation, being but a contract with respect to that nation."

"The essence of the legislative authority," says Alexander Hamilton in the *Federalist*, "is to enact laws, or, in other words, to prescribe rules for the regulation of the society; while the execution of the laws, and the employment of the common strength, either for this purpose, or for the common defence, seem to comprise all the functions of the executive magistrate. The power of making treaties is, plainly, neither the one nor the other. It relates neither to the execution of the subsisting laws, nor to the enactment of new ones; and still less to an exertion of the common strength. Its objects are contracts with foreign nations, which have the force of law, but derive it from the obligations of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign."

Such is the constitutional provision, and such is its interpretation by the leaders of the two great parties to which the adoption of the Constitution gave rise. It is thus the Senate alone, the body in which the States have an equal suffrage, guaranteed to them forever, which can alone advise and consent to the ratification of any compact with a foreign nation; and that body must do so by a two thirds vote, or not at all. The doctrine of the Constitution is, that one third of the States, though the smallest in the Union, if they can obtain a single vote from any other State, may forbid any alliance or compact



whatever with other governments. The doctrine of the Constitution is, also, that the functions of this House, and of the Legislative Congress of which it is a branch, begin and end with domestic legislation, and reach not one inch beyond our own established national boundaries. There is no other partition line which can be drawn between the legislative power and the treaty-making power; and, if that line be once overthrown, all distinction between the two departments is at an end. Yet here we have before us the plain and undisguised proposition to enter into a compact with another nation; a compact which has already been submitted to the Senate as a treaty, and which has been rejected by them as such. The Chairman of the Committee on Foreign Affairs has, indeed, erased the word *treaty* from his resolutions, and has substituted the word *settlement*. The honorable member from Ohio, too, in his amendment, has omitted the word *settlement*, and has substituted the parenthetical phrase "Texas consenting." But neither words, nor the omission of words, can alter things. Nor can consent give jurisdiction. Both resolutions relate to lands, to laws, to property, to persons, out of our own territory; and both attempt to do that which cannot be done without the consent of another government. No man pretends that this is not a transaction to which there are two parties; one of them, the United States of America; the other, an independent foreign nation. No man pretends that both these parties must not agree together, and make a compact or bargain, in order to render the transaction complete. The Chairman of Foreign Affairs has expressly said, in his opening speech: "As it is a bargain or contract with another country, it seems to me that an arrangement, carefully digested, with the agents of that country, authorized *ad hoc*, must be the best mode, if not the only one." This admission determines the whole question. It makes the transaction a treaty; a treaty, it is true, anomalous in its character; annihilating one of its parties; transcending the powers of the other; but still a treaty in form, a treaty if any thing. And it gives to these resolutions the character of a bold and unblushing attempt to break down the barriers of the Constitution by overthrowing the legitimate authority of the Senate.

And, Mr. Chairman, when the Senate of the United States is thus about to be despoiled of its peculiar prerogative, for the accomplishment of this particular act, it may not be amiss to recall for a moment, in the language of one of the Fathers of the Constitution, the views with which that body was constituted, and that prerogative conferred upon it.

"A fifth desideratum, (said James Madison,) illustrating the utility of a Senate, is the want of a due sense of national character. An attention to the judgment of other nations, is important to every government, for two reasons: the one is, that, independently of the merits of any particular plan or measure, it is desirable, on various accounts, that it should appear to other nations as the offspring of a wise and honorable policy: the second is, that in doubtful cases, particularly where the national councils may be warped by some strong passion, or momentary interest, the presumed or known opinion of the impartial world, may be the best guide that can be followed. What has not America lost by her want of character with foreign nations? And how many errors and follies would she not have avoided, if the justice and propriety of her measures had, in every instance, been previously tried by the light in which they would probably appear to the unbiased part of mankind."

Again, says the same eminent statesman and patriot, in the same connection, —

"As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs, when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind."

Such were the views with which the Senate of the United States was established, and such the views with which it was intrusted with the treaty-making power; and if there were ever an occasion which illustrated the wisdom of this feature of the Constitution, and commended it to the respect and support of all good citizens, this, this is it.

When was there ever exhibited a greater want of a due sense of national character, than in the course of this Texan negotiation? When was there ever manifested a more wanton disposition to defy the judgment of other nations, to outrage the opinion of the civilized world, and to shut the eyes to the light in

which the acts of this government must appear to the unbiased part of mankind, than in the means by which this measure has been pursued, and in the motives in which it avowedly originated? When were irregular passions, illicit advantages, and artful misrepresentations of interested men, more plainly at work than now, in stimulating the clamor with which the immediate annexation of Texas is demanded? When was the intervention of some conservative body more needed, until reason, justice, and truth can regain their authority over the public mind? Sir, these passages have seemed to me to savor of an almost prophetic application to the service which the Senate are called on to discharge at the present crisis. Let me rather say, to the service which they have already and nobly discharged, and for which that body deserves other recompense, than to be so rudely stripped of its hitherto unquestioned constitutional prerogative!

The honorable member from Alabama, (Mr. Belser,) denies, however, that this proceeding is any encroachment on the authority of the Senate, and has made an effort to produce some precedents of what he calls legislative treaties. One class of cases to which he referred was that of compacts with our own States for the cession of lands. Who can pretend that these are treaties? The whole idea of a treaty under our Constitution, as I have already proved, is a compact with a foreign power. And the States of this Union have never been called foreign in relation to the General Government, or even foreign in relation to each other, unless in certain recent resolutions of South Carolina, of which possibly something may be heard from Massachusetts hereafter, but to which I shall make no allusion now. The General Government, I presume, may purchase lands of a State, as well as of any other corporation or individual, for constitutional purposes; but such a purchase is no more a treaty in one case than in the other.

The honorable member referred us next to a law of which he was particular in giving us the volume and page. (Laws of the United States, 3d volume, page 562.) Why, Sir, this is an act for taking possession of Louisiana, after the ratification of the treaty!

His next illustration of legislative treaties was a resolution of 15th January, 1811 — a resolution which was passed by both branches in secret session, and which was withheld from publication for a long period after its passage. This resolution, Mr. Chairman, contains interesting and edifying matter, and with the leave of the Committee, I will read it.

*Resolution.*

Taking into view the peculiar situation of Spain, and of her American provinces, and considering the influence which the destiny of the territory adjoining the Southern border of the United States may have upon their security, tranquillity, and commerce: therefore,

“Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power; and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they, at the same time, declare that the said territory shall, in their hands, remain subject to future negotiation.”

I am at a loss to perceive, Sir, in what part of this resolution any thing of the character of a treaty is to be found, legislative or otherwise. I am glad it has been alluded to, however, as it affords the best possible illustration of what the Congress of 1811 understood by that law of necessity, that right of self-preservation, which has been so often appealed to in justification of the measure before us. The resolution provides only for a temporary occupation of the Florida territory, and, instead of setting Spain at defiance, expressly declares that the said territory shall remain subject to future negotiation.

But the honorable member from Alabama alluded, lastly, to cases of commercial regulation. These cases undoubtedly are somewhat peculiar in their character, but they are clearly distinguishable from treaties. Congress, in the passage of such acts, undertakes to do nothing to which the consent of another government is necessary. We impose certain duties, for instance, or open certain ports, conditionally upon the action of foreign governments. We can impose the same duties, or open the same ports, without any such condition. We can make the same regulations, subject to any other condition of time or of circumstance, as well as subject to the legislation of a foreign

government. The concurrent or reciprocal legislation of another nation is a mere motive, in view of which we proceed to pass acts to which we are entirely competent of ourselves, which operate only within our own boundaries, and which the consent of no other party is necessary to complete. The whole doctrine of the distinction between the legislative and the treaty-making power, however, has been laid down by the present Secretary of State with so much precision and power, that I will detain the Committee no longer upon it myself, but will proceed to read some extracts of the speech of Mr. Calhoun on the commercial treaty with Great Britain, in the House of Representatives, January 8, 1816. (See Elliott's Debates, vol. iv. p. 273.)

"He would establish, he trusted, to the satisfaction of the House, that the treaty-making power, when it was legitimately exercised, always did that which could not be done by law."

"Why cannot Congress make peace? They have the power to make war. . . . Why cannot Congress, then, repeal the act making war? He acknowledged, with the gentleman, they cannot consistently with reason. . . . The reason is plain; one power may make war; it requires two to make peace. . . . It required a contract or a treaty between the nations at war. Is this peculiar to a treaty of peace? No; it is common to all treaties. It arises out of their nature, and not from any incidental circumstance attaching itself to a particular class. It is no more nor less than that Congress cannot make a contract with a foreign nation. . . . Whenever, then, an ordinary subject of legislation can only be regulated by contract, it passes from the sphere of the ordinary power of making laws, and attaches itself to that of making treaties, wherever it is lodged. . . . Whatever, then, concerns our foreign relations, whatever requires the consent of another nation, belongs to the treaty power; can only be regulated by it; and it is competent to regulate all such subjects, provided — and here are its true limits — such regulations are not inconsistent with the Constitution. . . . It has for its object, contracts with foreign nations; as the powers of Congress have for their object whatever can be done in relation to the powers delegated to it without the consent of foreign nations. Each in its proper sphere operates with genial influence; but when they become erratic, then they are portentous and dangerous. A treaty never can legitimately do that which can be done by law; and the converse is also true. Suppose the discriminating duties repealed on both sides by law, yet what is effected by this treaty would not even then be done; the plighted faith would be wanting. Either side might repeal its law without a breach of contract. It appeared to him that gentlemen are too much influenced on this subject, by the example of Great Britain. Instead of looking to the nature of our government, they have been swayed in their opinion by the practice of that government, to which we are but too much in the habit of looking for precedents."

But we are now told, Mr. Chairman, that Texas was once a part of our own territory, ceded to us by France in 1803; that

this is, therefore, no question of original annexation; that we are only about to reclaim and reannex it. Sir, we have often heard of the magic power of words before now, but the question before us will be a lasting illustration of the mightier magic of syllables. There were two editions of a memorable letter to the people of Carroll county, Kentucky, published last Spring; the first was a letter relative to the annexation of Texas; the second was a letter relative to the *re*-annexation of Texas. They were published within a few weeks of each other, and prove how much importance is attached to this mono-syllabic after-thought. O, Sir, if the friends of this measure had exhibited half as much of the "*suaviter in modo*," as they have of the "*fortiter in re*," it would have been better, far better for the honor of our country.

But my hour is on the point of expiring, and I must leave all further remark upon the subject to another opportunity. I rejoice to believe that this is not the last time of asking in relation to this abhorrent union, and that we are not called on to declare our objections to it now, under the penalty of forever afterwards holding our peace. Meantime, circumstances may have changed before the measure is presented to us again. It may come before the country in a more constitutional shape. It may involve less danger of war. It may involve less encroachment on the rights of others. Objections of a temporary and formal character may have been removed. But I am unwilling to resume my seat without saying, that no such change of circumstances will alter the case for me. I am against annexation, now and always —

Because I believe it to be clearly unconstitutional in substance;

Because I believe it will break up the balance of our system, violate the compromises of the Constitution, and endanger the permanence of our Union;

And, above all, because I am uncompromisingly opposed to the extension of Domestic Slavery, or to the addition of another inch of Slaveholding Territory to this Nation.

## GREAT BRITAIN AND THE UNITED STATES.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, FEBRUARY 1, 1845,—A BILL FOR THE ORGANIZATION OF A TERRITORIAL GOVERNMENT IN OREGON BEING UNDER CONSIDERATION,—IN THE COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION.

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I took the floor last evening, Mr. Chairman, as I stated when the Committee rose, with no view of preparing myself for any formal speech on the Oregon question. It may be remembered, that I addressed the House on that question at some length last year. The circumstances of the case have not materially changed since then, and my opinions in regard to it are altogether unaltered. I shall content myself, therefore, with a few remarks in reference to the precise bill under consideration, and with some observations in reply to gentlemen who have preceded me in the debate.

I shall enter into no argument of the American title to the Oregon territory. No such argument, certainly, is needed to convince the members of this House of the justice of our claim to that territory. Whatever else we may differ about, we all seem to have a sufficient sense of the soundness of our own title. It seems to be forgotten, however, that it is Great Britain, and not the United States, which requires to be convinced on this point. If gentlemen would only undertake to satisfy Sir Robert Peel and Lord Aberdeen that the American title is entirely indisputable, and that the British pretension is altogether void and groundless; or if they could fortify Mr. Calhoun in his efforts to enforce these positions upon the British minister with whom he is treating, they would turn their researches and their rhetoric to a more profitable account. I fear they are contribut-

ing to no such result. I am inclined to believe that arguments, however strong, would lose much of their weight in the quarters I have suggested, when uttered in the tone of menace and defiance which has characterized so much of this debate. Nor can I forbear to say, that it appears to me extremely impolitic for us to be publicly engaged in any arguments on the subject, while negotiations in regard to it are actually on foot within ear-shot of this Hall, and while we are necessarily ignorant how far our own individual views may conform to those, which the American Secretary of State may be at this moment pressing upon the attention of the British negotiator.

Indeed, Sir, this whole proceeding is, in my judgment, eminently calculated to impede and embarrass the negotiations in which the two governments are employed. We have received authentic assurances that those negotiations have not yet failed, that they are still in progress, and that a communication in regard to them may be expected from the Executive before the close of the present session. Why not wait for this communication? Why insist on taking any step in the dark, when, in a few weeks at the most, we shall be able to act advisedly, and to see clearly the ground on which we are treading?

I cannot help thinking, Mr. Chairman, that the course proposed to be pursued on this subject, savors somewhat of distrust of the hands to which our side of this negotiation is committed. I know not that any such thing is intended. I know not that there is any purpose to influence, by this proceeding, the Cabinet arrangements of the President elect. It seems to me, however, that the peculiar friends of the present Secretary of State may well feel some little jealousy on the point. There is such a thing known to the Parliament of Great Britain as a vote of confidence in the ministry. The passage of this bill, taken in connection with the circumstances under which it will have been passed, and with the considerations by which it has been urged, will seem not a little like a vote of want of confidence in our American Secretary. I am no champion of Mr. Calhoun's. His Texan negotiations and correspondence have certainly not inspired me with the most enthusiastic admiration of his diplomatic ability or tact. But it seems passing strange, I confess,



that any of his friends should be willing to acquiesce in such marked imputations on his statesmanship and ministerial fidelity as have been heard on all sides of the House. "We cannot wait for negotiations. We want no more of them. They are sacrificing our territory. They are only another name for surrenders of our rightful soil and sovereignty." These are the cries by which this measure is to be carried through! Why, Sir, I should imagine, from all this, that we had some unprincipled or incompetent British Whig at the head of our Foreign affairs, ready to mart our territory for gold; or that some such person was likely to succeed to the Department of State at the earliest moment. Such cries are the stale and unfounded reproaches with which political opponents have been wont to assail our public functionaries for party effect. That they should now be heard from the self-styled Democracy of the House, while a Democratic Secretary of State has the great seals of the nation still in his hands, and while a fire-new Democratic administration is on the very eve of accession, is, indeed, not a little extraordinary.

No more negotiations! Why, Sir, one would suppose that this would be the very time when a majority of this House would desire to have negotiations entered upon, and would feel a confidence that they would be conducted to a triumphant conclusion. What have they to fear? In the humiliating failure of all previous negotiations, they have the foil which is to give a greater brilliancy to their own success. If the treaty of Washington was really so inglorious a surrender, pray, pray, Mr. Chairman, do not forbid the abler, the more accomplished, the more patriotic negotiator of your own choice, present or future, to give us the example of a better treaty. Do not forbid him to retrieve the character of American diplomacy; to pluck up the drowning honor of the country from the waters of the St. John's; and to show us, for all time to come, how to preserve, with a greater skill, at once the rights and the interests of the Republic, including that highest of all her interests, Peace!

No more negotiations! The treaty of Washington an inglorious surrender! To be sure, four fifths of the Senate ratified that treaty, and the whole country applauded it. But then

Maine has never assented to it! So says one of the honorable members from Maine, (Mr. Hamlin.) Maine had her commissioners here, had she not, with full powers to agree upon a conventional line of boundary? and they did agree upon such a line. And Maine has since received into her treasury the money for which those commissioners stipulated, and for which the treaty provided. Not, Sir, the mere reimbursement of expenses incurred in maintaining her supposed rights, as the honorable member implied, but the rated consideration for the lands to which she relinquished her claim. And yet the honorable member insists that Maine has never yet assented to the treaty! This is an extraordinary position, certainly. I trust that it is not advanced now, as a pretence for repudiating the treaty, and for setting up a new claim to *reannexation*, hereafter. How is the position sustained? Simply by the allegation that the treaty was opposed by "the only Democratic Senator from Maine in the body by which the treaty was ratified." As if it were not an ample set-off to that suggestion, that the treaty was supported by the only Whig Senator from Maine at the same period; a gentleman (the Hon. George Evans) of whom I may say, without intending any disparagement to the Democratic Senator referred to, (the Hon. Reuel Williams, for whom I have a high personal esteem, founded upon a long acquaintance,) that he is second to none of his colleagues, past or present, nor, indeed, to any member of the body to which he belongs, in ability, in patriotism, or in a just regard for the rights and the interests, either of his own State or of the nation at large.

No more negotiations! Why, Mr. Chairman, where is such a doctrine as this to lead us? Inevitably to war. To war with England now; to war with all the world hereafter, or, certainly, with all parts of the world with which we may have controversies of any sort. And even war can never put an end to the necessity of negotiation. Unless war is to be perpetual, you must come back to negotiation in the end. The only question in the case before us — the only question in every case of disputed international rights — is, not whether you will negotiate or fight, but whether you will negotiate only, or negotiate and fight both. Battles will never settle boundaries between Great Britain and

the United States, in Oregon, or elsewhere. The capture of ships, the destruction of commerce, the burning and plundering of cities, will leave us just where we commenced. First or last, negotiation alone can settle this question. For one, therefore, I am for negotiation first, before war, and without war. I believe that we shall get quite as much of Oregon in this way; and I know that we shall get it at less expense, not merely of money, but of all that makes up the true welfare and honor of our country.

Sir, the reckless flippancy with which war is spoken of in this House and elsewhere, as a thing to be "let come," rather than wait for the issue of negotiations, is deserving, in my judgment, of the severest rebuke and reprobation from every christian patriot and statesman. I say let it not come, let it never come, if any degree of honorable patience and forbearance will avert it. I protest against any course of proceeding which shall invite or facilitate its approach. I protest against it, in behalf of the commerce of the nation, so considerable a part of which I have the honor to represent. I protest against it, in the name of the public morality and religion, which ought to be represented by every member on this floor. I protest against it, also, in the spirit of a true Republican Democracy. My venerable colleague, (Mr. Adams,) alluded yesterday to the old and well-known correspondence of James Madison and Alexander Hamilton, under the signatures of Helvidius and Pacificus, and expressed his wish that it might be freshly read by all who took an interest in ascertaining the just limitations of executive power. I cordially respond to that sentiment. But I will venture to say that no one will read these letters without being struck with the force, the beauty, the consummate justness and truth of a warning against war, which one of those letters contains, and which constitutes the crown-jewel of the whole series.

"War is, in fact, (says James Madison,) the true nurse of Executive aggrandisement. In war a physical force is to be created, and it is the Executive will which is to direct it. In war the public treasures are to be unlocked, and it is the Executive hand which is to dispense them. In war the honors and emoluments of office are to be multiplied, and it is the Executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered, and it is the Executive brow they are to encircle. The strongest passions and most dangerous weaknesses of the human breast,—

ambition, avarice, vanity, the honorable or venial love of fame, are all in conspiracy against the desire and the duty of peace.

Hence it has grown into an axiom, that the Executive is the department of power most distinguished by its propensity to war; hence it is the practice of all States, in proportion as they are free, to disarm this propensity of its influence."

Such is the noble testimony which was borne by one of the fathers of our country, half a century ago, to the anti-Republican tendencies of war. And it is of this "true nurse of Executive aggrandizement," that gentlemen, who are pluming themselves upon their exclusive democracy, are so continually crying — let it come! Such a cry, Mr. Chairman, is not only inconsistent with sound Republicanism and true morality, but it is to the last degree puerile. I intend no disrespect to any gentleman who hears me; but as I have listened to the heroic strains which have resounded through this hall for some days past, in reference to the facility with which we could muster our fleets in the Pacific, and march our armies over the Rocky Mountains, and whip Great Britain into a willingness to abandon her pretensions to Oregon, I have wished that some Philip Faulconbridge were here to reply, as he does in Shakspeare's *King John*, to some swaggering citizen of Angiers, —

—— "Here's a large mouth, indeed,  
That spits forth death, and mountains, rocks, and seas!  
Talks as familiarly of roaring lions,  
As maids of thirteen do of puppy-dogs!  
He speaks plain cannon, fire and smoke, and bounce."

This is certainly no bad description of much of the debate to which this bill has given occasion, and which might better have befitted the dramatic stage than the council-halls of a civilized nation.

And against whom are all these gasconading bravadoes indulged? What nation has been thus bethumped and bastinadoed with brave words! I have no compliments to bestow on Great Britain, and am not here as her apologist or defender. But this, at least, I can say, without fear of imputation or impugnement, that, of all the nations of the world, she is that nation which is able to do us the most good in peace, and the most harm in war. She is that nation with whom the best interests of our country

imperatively demand of us to go along harmoniously, so long as we can do so without a sacrifice of unquestioned right and honor. She is that nation, a belligerent conflict with whom, would put back the cause of human civilization and improvement more than it has advanced in half a century past, or would recover in half a century to come. Peace between Great Britain and the United States is not a mere interest of the two countries. It is an interest of the world, of civilization, of humanity; and a fearful reckoning will be theirs who shall wantonly disturb it.

In this view, Mr. Chairman, I cannot help deploring the principle of hatred towards England, which seems to have been recently inscribed, by not a few of our public men, as the first article of their political creed. There are those with whom a fling at Great Britain appears to be the principal study of all their oratory, and who seem to regard no argument complete, which does not contain some denunciation of her grasping policy or her spurious philanthropy. They seem to have adopted, in reference to England, the maxim which Lord Nelson is related to have inculcated towards France, in his advice to some of the midshipmen under his command — “There are three things (said he) which you are constantly to bear in mind: first, you *must* always implicitly obey orders, without attempting to form any opinion of your own respecting their propriety; secondly, you must consider every man your enemy who speaks ill of your King; and thirdly, you must hate a Frenchman as you hate the devil.” Such a maxim might be pardoned, perhaps, to soldiers and sailors, on the eve of an engagement in mortal combat with their foes; but it is the last which ought to be entertained by those who are intrusted with the power and the duty of pacific legislation.

But then Great Britain is so insolent and so aggressive, that we cannot help hating her. She is hemming us round on every side, the honorable member from Illinois tells us, and we must make a stand against her soon, or we shall be absolutely overrun! — Mr. Chairman, this phrase, that Great Britain is hemming us in on every side, has become so great a favorite of late years in our political dialectics, that I am disposed to inquire, before it is irrevocably incorporated into our dictionary of truisms, how far it is as exact as it is elegant.

"Great Britain is hemming us in on every side, and already has us inclosed in her network on our own continent;" this, I think, was the declaration of the honorable member from Illinois. How far, sir, will such a declaration bear the light of historical truth? It would seem to imply, that the United States of America was the original civilized nation established on this continent; that Great Britain had subsequently made settlements in our neighborhood; and that she had systematically proceeded to environ us on all sides with her colonial possessions and military posts. This is certainly a new reading of American history. I have some how or other obtained an impression from the schools, that Great Britain once possessed almost the whole of this continent, or, at any rate, a very much larger part of it than she now enjoys. I have an indistinct idea, that there was a day when she held dominion over almost all the territories in which we now rejoice. I have some dreamy recollection of having read or heard about stamp acts, and tea taxes, and Boston port-bills; about Bunker hills, and Saratogas, and Yorktowns; about revolutions, and declarations, and treaties of Independence. And it is still my belief, Mr. Chairman, which fire will not burn out of me, that, by some means or other, Great Britain has been deprived, within the last seventy years, of by far her most valuable colonies on this continent; that there has been a great deal more of ripping, than hemming, as to this network of hers; that, instead of her hemming us in, we have thrust her out, and have left her a comparatively, if not a really, insignificant power in this Western Hemisphere!

Sir, Great Britain has not acquired one foot of soil upon this continent, except in the way of honorable treaty with our own government, since the day on which we finally ousted her from her old dominion within the limits of our Republican Union. Every body knows that she acquired Canada by the treaty of 1763. We ourselves helped her to that acquisition. Not a few of the forces — not a few of the leaders, by which our own independence was achieved, were trained up, as by a Providential preparation, for the noble duty which awaited them, in the war which resulted in the cession of Canada to Great Britain. Certainly, then, we have no cause of quarrel with Great Britain

that Canada is hers. But then, she has dared to think about Texas, she has cast some very suspicious glances at Cuba, and there is great reason to apprehend that her heart is at this moment upon California! True, she has formally denied, to our own government, that she has any desire to see Texas other than an independent nation. True, she once conquered Cuba, and gave it back again to Spain by the treaty of 1763. True, she has given no outward and visible sign of any passionate yearning for the further dismemberment of Mexico. But who trusts to diplomatic assurances? Who confides in innocent appearances? Diplomatic assurances! Has not the chairman of our own Committee of Foreign Affairs warned us, that, "like the oaths which formerly accompanied treaties, they have been the cheap contrivances of premeditated hostile action?" Has he not warned us especially, against the diplomatic assurance of Great Britain in regard to Texas, as "the ordinary harbinger of whatever it most solemnly denies?"

Such a course of argument as this, Mr. Chairman, is certainly in one respect entirely conclusive. There is, obviously, no mode of replying to it. Once assume the position, that neither the words nor the deeds of Great Britain are to be taken in evidence of her designs, but that her assurances are all hollow, and her acts all hypocritical, and there is no measure of aggression and outrage which you may not justly apprehend from her. I do not believe, however, that any considerable part of this House, or of this country, will acquiesce in the propriety of proceeding upon premises which involve imputations so gross and so gratuitous. And once again I ask, where is the proof of these alarming and aggressive purposes of Great Britain, so far as our own continent is concerned? Where is the evidence that she is inclosing us in a fatal network, and hemming us in on every side? Nay, sir, I boldly put the question to the consciences of all who hear me — of which of the two countries, Great Britain or the United States, will impartial history record, that it manifested a spirit of impatient and insatiate self-aggrandizement on this North American continent? How does the record stand, as already made up? If Great Britain has been thinking of Texas, we have acquired Louisiana; if Great Britain has been

looking after Cuba, we have established ourselves in Florida ; if Great Britain has set her heart on California, we have put our hand upon Texas. Reproach Great Britain, if you please, with the policy she has pursued in extending her dominions elsewhere. Reprobate, if you please, her course of aggression upon the East Indian tribes ; and do not forget to include your own Indian policy in the same commination. But let us hear no more of her encroaching spirit in this quarter. It is upon ourselves, and not upon her, that such a spirit may be fairly charged. I say to the gentleman from Illinois, as one of the peculiar friends of reannexing Texas, and reoccupying the whole of Oregon, *mutato nomine, de te fabula narratur*.

Indeed, Mr. Chairman, the story has been told of us already. We have been anticipated in all these imputations of an unscrupulous spirit of aggrandizement. I have here a speech by Mr. Huskisson — a name held in peculiar reverence by the friends of free trade in this House, and entitled to the respectful regard of us all, both for the intellectual ability and the moral excellence with which it was long associated — delivered in the British House of Commons in 1830, on the political and commercial relations of Great Britain and Mexico. The speech is full of interesting and curious matter, and I doubt not that I shall be indulged in reading some passages from it to the House.

“ But, Sir, if there are great political interests which should induce us to endeavor to maintain to Spain her present sovereignty and possession of Cuba and Porto Rico, there are other political considerations which make it not less important — if possible, still more important — that Mexico should settle into a state of internal peace and tranquillity, and of entire and secure independence. If the United States have declared that they cannot allow the island of Cuba to belong to any maritime power in Europe, Spain excepted, neither can England, as the first of those maritime powers — I say it fearlessly, because I feel it strongly — suffer the United States to bring under their dominion a greater portion of the shores of the Gulf of Mexico, than that which they now possess.”

This, Mr. Chairman, be it remembered, was a public declaration on the floor of the House of Commons, in the year 1830, by one of the most leading and influential British statesmen of that day. And I cannot help remarking, before I read on, that it appears to have produced not the slightest sensation on this side of the water. General Jackson was then President of the



United States. Mr. Van Buren was then Secretary of State, and was drafting, in that capacity, those memorable instructions which afterwards cost him his recall from London; instructions, by which the attention of the British Government was invited to the peculiar relations of amity existing, not between Great Britain and the United States, but between Great Britain and the Democratic Administration which had just succeeded to power. This peculiar friendship of General Jackson and his friends towards Great Britain, was in no degree disturbed, it seems, by the distinct declaration that we should not be suffered to annex Texas. There was no outcry against British interference or British aggression. There was no clamor about her designs to effect the abolition of Southern slavery. No, Sir, the abolition movements of Great Britain had not then been commenced in her own colonies. And a most notable circumstance it is, that the disposition of Great Britain to prevent the annexation of Texas to this country, should have been so clearly manifested, before she had made the slightest demonstration of an anti-slavery spirit. It puts an utterly extinguishing negative upon the charge, that her opposition is the mere result of her designs upon American slavery. But let me proceed with the speech of Mr. Huskisson.

"Within the last twenty-seven years they have become masters of all the shores of that Gulf, from the point of Florida to the river Sabine, including the mouths of the Mississippi, and of other great rivers, the port of New Orleans, and the valuable and secure harbors of Florida; and, within these few days, we hear of their intencion of forming a naval station and arsenal at the islands of the Dry Tortugas, a commanding position in the Gulf stream between Florida and Cuba. With all this extent of coast and islands, we know, further, that designs are entertained, and daily acted upon — I will not say by the present Government of the United States, but, notoriously, by the people — to get possession of the fertile and extensive Mexican province of Texas. To borrow an expression of a deceased statesman of that country, 'the whole people of America have their eye' upon that province. They look to all the country between the river Sabine and the river Bravo del Norte, as a territory that must, ere long, belong to their Union. They have, also, I believe, that same eye upon some of the western coast of Mexico, possessing valuable ports in the Gulf of California. Should they obtain these districts, the independence of Mexico, I will venture to say, will be no better, or more secure, than that of the Creek Indians, or any other Indian tribe now living within the circle of the present recognized limits of the United States; and the Gulf of Mexico will become as much a part of their waters as the Black Sea was once of the waters of Turkey, or as the channel which separates England from Ireland may be considered as part of the waters of the United Kingdom.

"I may be told, Sir, that these are visionary alarms, contemplating schemes of aggrandizement and ambition which never have been, and probably never will be, entertained in any quarter. At this moment, I willingly admit that there exists a friendly disposition in the Government of the United States, and I cannot doubt that his Majesty's Government fully reciprocates that disposition. Upon every account, I am glad to see these two powerful States living upon terms of honorable and mutual confidence, each relying upon the peaceful councils of the other. But it is not to be imputed to me that I am undervaluing this good understanding, or that I am guilty of want of respect to the United States, or even of discretion as an individual member of Parliament, if, on this occasion, I do not lose sight of those circumstances of a permanent nature which belong to the fixed policy of the United States, and to those motives of action which, however dormant at present, would probably be revived, under contingencies that, in the course of events, may hereafter arise — contingencies, which the views and passions of the American people would not fail to turn to account for the attainment of a long cherished and favorite object.

"At all periods of our history, the House of Commons has held topics of this nature to be fair grounds of parliamentary consideration. Jealousy, for instance, of the aggrandizement of the house of Bourbon, has always been held an element entitled to enter into every general discussion affecting the balance of power in Europe, and I am sure there is nothing in the general character of Democratic Republics or in the past conduct of the United States, from which we can infer, that their aspirations after power and aggrandizement are less steadily kept in view than those of an absolute monarch in Europe. In looking to the future, let us consult the experience of the past. But, in the case of the New World, we have something more than the history of the last thirty years to guide our judgment. The views and sentiments of those who, during that period, have directed or influenced the affairs of the United States, have been brought before us by the publication of their correspondence. I am afraid the living statesmen of this country have scarcely had time to make themselves acquainted with those views and sentiments, as they stand disclosed in the memoirs and correspondence of a deceased statesman of America, I mean the late Mr. Jefferson, a man who, from the period of their first declaration of independence — a declaration of which he was the author — to the close of his life, seems to have possessed the greatest ascendancy in the councils of his country, and whose avowed principles and views appear to become every day more predominant in the public feelings of his countrymen.

"In respect to the Gulf of Mexico, and the immense interests, commercial, colonial, and maritime, which are closely connected with the navigation of that Gulf, these memoirs are full of instruction — I might say, of admonitions — well deserving the most serious attention of the people of this country. I will not trouble the House with any long extracts from them; but I cannot deny myself the opportunity of pointing their attention to a few passages, which show how soon the United States, after they became a separate nation, fixed their eye upon the Gulf of Mexico, and how steadily and successfully they have watched and seized every opportunity to acquire dominion and ascendancy in that part of the world. Within seven years after the time when their independence had been established, and finally recognized in 1783, we find them setting up a claim of positive right to the free navigation of the Mississippi, from its source to the Gulf of Mexico; and it is not a little curious to see what was the opportunity they took of asserting this right against Spain, a power which had materially assisted them in obtaining their independence. In the year 1790, it will be recollected that a dispute had arisen between England and Spain respecting Nootka Sound.

Whilst these two countries were arming, and every thing appeared to threaten war between them, the United States thought that they saw, in the embarrassments of Spain, an opening to claim this navigation as of right. Whether such a claim could or could not be sustained by any principle of the law of nations, is a question which I will not stop to examine. The affirmative was at once boldly assumed by America, and her demand proceeded upon that assumption. The right once so affirmed, what does the House think was the corollary which the Government of the United States built upon their assertion of that supposed right? I will give it in the words of Mr. Jefferson himself, not a private individual, but the Secretary of State, conveying the instructions of his Government to Mr. Carmichael, then the American envoy at Madrid: — ‘ You know,’ writes Mr. Jefferson, ‘ that the navigation cannot be practised without a port, where the sea and river vessels may meet and exchange loads, and where those employed about them may be safe and unmolested. The right to use a thing comprehends a right to the means necessary to its use, and without which it would be useless.’ I know not what the expounders of the law of nations in the old world will have to say to this novel and startling doctrine. In this instruction, which is dated the 2d of August, 1790, the principle is only laid down in the abstract.

“ I will now show the House the special application of it to the claim in question, by quoting another letter from Mr. Jefferson to Mr. Short, the American envoy at Paris, dated only eight days after the former, namely, the 10th of August. It is as follows: ‘ The idea of ceding the island of New Orleans could not be hazarded to Spain in the first step; it would be too disagreeable at first view; because this island, with its town, constitutes, at present, their principal settlement in that part of their dominions, (Louisiana,) containing about three thousand white inhabitants, of every age and sex. Reason and events, however, may, by little and little, familiarize them to it. That we have a right to some spot as an *entrepot* for our commerce may be at once affirmed. I suppose this idea (the cession of New Orleans) too much even for the Count de Montmorin at first, and that, therefore, you will find it prudent to urge, and get him to recommend to the Spanish court, only in general terms, a port near the mouth of the river, with a circumjacent territory sufficient for its support, well defined, and extra-territorial to Spain, leaving the idea to future growth.’

“ Contrary to the expectation of the United States when those instructions were given, Great Britain and Spain settled their differences without an appeal to arms; and, in consequence, these practical applications of the law of nations were no longer pressed by the United States. Soon after, Spain became involved in war with France, and that war terminated in her being compelled to cede Louisiana to the latter power. In 1803, that whole province was sold by France to the United States. By this purchase they acquired not only New Orleans, but a very extensive territory within the Gulf of Mexico. I next go to the year 1806. Mr. Jefferson was then no longer Secretary of State; he had been raised to the more important post of President of the United States. In that character we find him writing to Mr. Monroe, then the American minister in London, in the following terms: ‘ We begin to broach the idea, that we consider the whole Gulf stream as of our own waters, in which hostilities and cruising are to be frowned on for the present, and prohibited so soon as either consent or force will permit us.’ The letter, from which this is an extract, is dated the 4th of May, 1806.

“ If the United States ‘ broached ’ this idea in 1806, they are not likely to have abandoned it in 1819, when, in addition to Louisiana, they procured, by treaty with Spain, the further important cession of the Floridas. That it is a growing rather than a

waning principle of their policy, I think we may infer from a later letter which we find in this correspondence, not written, indeed, by Mr. Jefferson in any public character, but addressed by him, as a person exercising from his retirement the greatest sway in the councils of the Union, to the President. This letter, dated so lately as the 25th of October, 1823, discusses the interests of the United States in respect to Cuba and the Gulf of Mexico, and these are the statements which it avows: 'I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being. Yet I am sensible this can never be obtained, even with her own consent, but by war.'

These extracts from the speech of Mr. Huskisson, in 1830, Mr. Chairman, are at once amusing and edifying. I think no one can help smiling at the ingenious devices of Mr. Jefferson, which they disclose, for extending our dominion over sea and land. They prove, too, most abundantly, (and it was for this purpose that I have introduced them,) that all the charges against Great Britain, which we are now making, as to her designs upon Texas, upon California, and upon Cuba, are but the flattest repetition of those which Great Britain long ago arrayed against us. They prove, still further, as I have already intimated, that the jealousy of Great Britain as to the extension of our dominion over the Gulf of Mexico, was long antecedent to any movement on her part on the subject of slavery, and utterly demolish the position that her desire to maintain the independence of Texas is the mere result of spurious philanthropy and abolition fanaticism. But I leave them to speak for themselves, and turn to considerations more immediately connected with the question before us.

The honorable member from Illinois (Mr. Douglas) seemed greatly excited yesterday at a remark which fell from my friend from Pennsylvania, (Mr. E. J. Morris,) in reference to the ultimate destiny of the Oregon Territory, and to the likelihood of its becoming the site of an independent nation, instead of remaining as a permanent member of our own confederacy. The honorable member chafed himself into a state of most towering indignation at the bare suggestion of such an idea, and denounced it in the most unsparing terms as an almost treasonable proposition for dissolving the Union. He invoked the atten-

tion of the whole country to this first intimation of a design to dismember our Republic, and demanded a prompt expression of rebuke and condemnation upon all who were privy to so monstrous and revolting a proposition. Pray, Sir, does the honorable member know with whom this idea originated, or by whom, certainly, it was most deliberately and emphatically uttered in this Capitol? Let me beg his attention to a passage from the speech of an honorable Senator from Missouri, who, I hope, has lost nothing of the confidence of his own party by a course of proceeding in regard to the annexation of Texas, by which he has gained the respect of not a few of his political opponents, and has literally "overcome more than his enemies."

"Mr. Benton proceeded to the next inquiry — the effect which the occupation of the Columbia would have upon this Union.

"On this point he could speak for himself only, but he could speak without reserve. He believed that the union of these States would not be jeopardized by the occupation of that river, but that it would be the means of planting the germ of a new and independent power beyond the Rocky Mountains. There was a beginning and a natural progress in the order of all things. The military post on the Columbia would be the nucleus of a settlement. Farmers, traders, and artisans, would collect about it. When arrived at some degree of strength and population, the young society would sicken of a military government, and sigh for the establishment of a civil authority. A territorial government obtained, the full enjoyment of State rights would next be demanded; and, these acquired, loud clamors would soon be heard against the hardship of coming so far to the Seat of Government. All this would be in the regular order of events, and the consequence should be foreseen and provided for. This Republic should have limits. The present occasion does not require me to say where these limits should be found on the North and South; but they are fixed by the hand of nature, and posterity will neither lack sense to see, nor resolution to step up to them. Westward, we can speak without reserve; and the ridge of the Rocky Mountains may be named without offence, as presenting a convenient, natural and everlasting boundary. Along the back of this ridge, the western limit of this republic should be drawn, and the statue of the fabled god, Terminus, should be raised upon its highest peak, never to be thrown down. In planting the seed of a new power on the coast of the Pacific ocean, it should be well understood that, when strong enough to take care of itself, the new government should separate from the mother empire, as the child separates from the parent at the age of manhood. The heights of the Rocky Mountains should divide their possessions; and the mother Republic would find herself indemnified for her cares and expense about the infant power, in the use of a post in the Pacific ocean; the protection of her interests in that sea; the enjoyment of the fur trade; the control of the Indians; the exclusion of a monarchy from her border, the frustration of the hostile schemes of Great Britain; and, above all, in the erection of a new Republic, composed of her children, speaking her language, inheriting her principles, devoted to liberty and equality, and ready to stand by her side against the combined powers of the old world."

Such, Mr. Chairman, were the views of Mr. Benton, in 1825. Here is the earliest public expression of the idea, which has so electrified with horror the honorable member from Illinois, and which has drawn forth the heaviest bolts of his indignation.

"O! many a shaft, at random sent,  
Finds mark the archer little meant!"

His fulminations, it is plain, have passed quite over the heads of his opponents, and have fallen upon one whom, of all others, he would most gladly have spared.

Nor is Mr. Benton the only one of the honorable member's Democratic exemplars whom he has unconsciously scathed. A most respectable and intelligent friend of mine (Mr. T. G. Cary, of Boston,) visited Monticello in 1818. Mr. Jefferson was then greatly interested in the subject of Western emigration, and in the reports of Lewis and Clarke. In the course of conversation he inquired whether, when Mr. Astor sold out Astoria to the British Fur Company, he retained a right to property of any kind there. "Because," said he, "I am anxious to ascertain that there was some reservation on which a territorial claim may be made. I am desirous of seeing a new confederation growing up there." "You say a new confederation, (replied my friend;) you mean a distinct one, then." "Certainly," said Mr. Jefferson, "the extent would be altogether too great for one government."

The same view was expressed by Mr. Jefferson in a letter to Mr. Astor, which has been referred to by another highly intelligent and distinguished Boston merchant, (Hon. William Sturgis,) in a very able lecture upon the Oregon question, delivered before the Boston Mercantile Library Association, a few days since. In that letter, Mr. Jefferson says, —

"I considered as a great public acquisition the commencement of a settlement on that point of the Western coast of America, and looked forward with gratification to the time, when its descendants should have spread themselves through the whole length of that coast, covering it with free and independent Americans, unconnected with us but by the ties of blood and interest, and enjoying like us the rights of self-government."

These are antiquated opinions, I shall be told, which the young Democracy cannot recognize. Railroads and steam en-

gines have annihilated space, and have exploded all theories which rested on the accidents of extent and distance. But what, Mr. Chairman, becomes of that argument, of which we have heard so much in the late debate upon Texas, about natural boundaries, and "the configuration of the earth?" It is not a little amusing to observe what different views are taken as to the indications of "the hand of nature," and the pointings of "the finger of God," by the same gentlemen, under different circumstances and upon different subjects. In one quarter of the compass they can descry the hand of nature in a level desert and a second-rate river, plainly defining our legitimate boundaries and beckoning us impatiently to march up to them. But when they turn their eyes to another part of the horizon, the loftiest mountains of the universe are quite lost upon their gaze. There is no hand of nature there. The configuration of the earth has no longer any significance. The Rocky Mountains are mere molehills. Our destiny is onward. We must cover this whole continent — ay, and go beyond it, if necessary, says the honorable member from Illinois. And all for the glory of the Republic! "The finger of God" never points in a direction contrary to the extension of the glory of the Republic! This would seem to be the sum and upshot of the whole matter. Sir, there is a definition of glory by the immortal dramatist whom I have already quoted, which such a course of remark has brought to my remembrance, and which I cannot forbear citing.

"Glory is like a circle in the water,  
Which never ceaseth to enlarge itself,  
Till, by broad spreading, it disperse to nought."

And this, this, will be the glory of that spirit of aggrandizement which is seen, at this moment, leaping over the Sabine in one quarter, and dashing itself upon the Rocky mountains in another!

A few words in reference to the precise bill before us, Mr. Chairman, will bring me to a close.

I listened, Sir, with great pleasure, to the remarks of the Chairman of the Committee by which this bill was introduced, (Mr. A. V. Brown,) who closed the debate last evening. If the

whole discussion had been conducted in the same tone and temper in which he addressed the House, and if the bill had been originally drafted in the shape to which he has expressed his willingness now to reduce it, there would have been little cause for regretting the introduction of the subject. I agree with him in his two principal positions. I concur with him, first, in the opinion, that it is inexpedient for us to terminate the convention of joint occupation until negotiations have been still longer pursued. I agree with him, also, that it is perfectly consistent with the existence of that convention for us to extend our jurisdiction over our own citizens, just so far as Great Britain has extended her jurisdiction over her own subjects, in the Oregon Territory; and, so far, I am willing to go with him.

But I am of opinion that the bill under consideration, even with the amendments which have been proposed, goes far beyond this mark. The section which provides for the granting of lands to settlers, with whatever limitations and qualifications it may be guarded, will be considered as an assumption of exclusive sovereignty, or, as an indirect mode of securing an exclusive advantage. The British Government will so construe it. And how will our Secretary of State be able to gainsay such a construction, when he has already admitted the justice with which it would be set up, in a speech of his own in the Senate of the United States within eighteen months past, as printed in the Congressional Globe before me? I need not trouble the committee with citations. Any gentleman can turn to the speech for himself. But is it not worth while for the friends of Mr. Calhoun to pause, before they place him in a predicament, in which the only alternatives will be, either to resign his post, or to defend a course of proceeding, as Secretary, which he has openly condemned as a Senator?

Even as a measure for the American settlers in Oregon, without regard to the claims of Great Britain, this bill is not altogether to my taste. It provides for the appointment of a governor and judge, who are to have absolute authority to promulgate and enforce throughout the Territory of Oregon, any and all laws which they may see fit to select from the statutes of any State or Territory in the Union; which laws are to con-



tinue in force until positively disapproved of by Congress — a limitation which we all know, from our experience in regard to other Territories, is practically inoperative. This discretionary dominion of these two officers is to last until there shall be five thousand free white male American citizens of twenty-one years of age in Oregon to authorize the establishment of a legislative body for themselves. This will be no brief term for such a *Duarchy*. The tide of emigration is now setting towards California, and not towards Oregon. There has been a great deal of delusion as to the prospect of an early colonization of Oregon. It is now pretty well understood that there are as good lands on this side of the Rocky Mountains as on the other, so far, at least, as the country north of the 42d degree of latitude is concerned. The day is still distant, when there will be five thousand free white male American citizens in Oregon. I am told that there are not two thousand there now. And I do not believe that these American citizens will thank you for breaking up the little temporary organization upon which they have agreed among themselves, in order to make way for so arbitrary a system as is provided for them by this bill.

One limitation upon the discretion of these two irresponsible lawgivers ought certainly to be imposed, if the bill is to pass. As it now stands, there is nothing to prevent them from legalizing the existence of domestic slavery in Oregon. It seems to be understood that this institution is to be limited by the terms of the Missouri compromise, and is nowhere to be permitted in the American Union above the latitude of 36° 30'. There is nothing, however, to enforce this understanding in the present case. The published documents prove that Indian slavery already exists in Oregon. I intend, therefore, to move, whenever it is in order to do so, the insertion of an express declaration that "there shall neither be slavery, nor involuntary servitude, in this Territory, except for crime, whereof the party shall have been duly convicted." \*

But I am in hopes, Mr. Chairman, that the bill will not become a law at the present session, in any shape. Every thing

\* This amendment was subsequently offered by Mr. Winthrop, and adopted by a vote of 131 to 69.

conspires, in my judgment, to call for the postponement of any such measure to a future day. We ought not to contemplate the possibility of a question like this being settled otherwise than by peaceful negotiations. We ought to give ample time for those negotiations, and do nothing which can interrupt or embarrass them. We have nothing to regret in our past negotiations with Great Britain; we have nothing to fear from those in which we are now engaged. Reproaches as to the former, and menaces as to the latter, are alike but the ebullitions of party heat or personal hate, and will perish with the breath in which they are uttered. Mr. Webster has dared to preserve the peace of the country by abating something of our extreme territorial claims on the Northeast, and he has earned the gratitude of all good citizens by doing so. I trust Mr. Calhoun will not be frightened out of that kindred spirit of conciliation and concession, which he has already manifested on this subject in the Senate, by the bluster and braggardism of this debate. We have twice offered to compromise with Great Britain on the 49th parallel of latitude, and such a compromise would be the very best result that we have a right to anticipate now. And even if some slight deviations from this line should be found necessary for effecting a peaceful settlement of the question, the sober judgment of the nation would not hesitate to approve the concession.

But, Mr. Chairman, if gentlemen will insist on contemplating the necessity of a resort to arms upon this question—if they have come to the conclusion that, inasmuch as the 49th parallel has been twice offered and twice refused, there is a point of honor between the two nations which can only be settled by a fight—if they are converts to the syllogism of the honorable member from Illinois, that no English Minister dares to accept the 49th parallel, and no American Secretary dares to offer more, *ergo*, they both dare to involve the world in war—still, still, I say, postpone the present proceeding. We enter, to-day, upon the last month of an expiring administration. A new President is about to enter upon the four years' term to which the people have elected him. A new Congress will soon be in existence to act upon his recommendations. Upon this new

administration has been solemnly devolved the responsibility of conducting both the domestic and foreign affairs of the nation during its next Olympiad. Let us leave that responsibility undisturbed. Let us not employ the last moments of our power in creating difficulties which others must encounter, and exciting storms which others must breast. Rather let us do what we may, to secure for those upon whose shoulders the government has fallen, a serene sky and a calm sea at the outset of their voyage, that they may take their observations, and shape their course deliberately ; and let all our good wishes go with them, — as my own certainly will, — that they may complete their career, without striking either on Domestic Discord or Foreign War! If they fail in doing so, let the responsibility be wholly their own.

## ARBITRATION OF THE OREGON QUESTION.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE  
UNITED STATES, JANUARY 3, 1846.

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I UNDERSTAND the Chair to have decided that, upon the pending motion to refer to the Committee of the Whole on the state of the Union a bill for raising two regiments of riflemen, the whole question of Oregon is open to debate. The House, too, has virtually sanctioned this decision, by declining to sustain the previous question a few moments since. I cannot altogether agree in the fitness of such a decision, but I am unwilling to omit the opportunity which it affords for expressing some views upon the subject.

My honorable colleague (Mr. Adams) in his remarks yesterday, and the chairman of the Committee on Foreign Affairs (Mr. C. J. Ingersoll) this morning, have alluded to the course pursued by them last year, and have told us that they both voted for giving immediate notice to Great Britain of our intention to terminate, at the earliest day, what has been called the convention of joint occupation. Though a much humbler member of the House, I may be permitted to allude to the fact that I voted against that proceeding last year, and to add that I intend to do so again now. I may be allowed, also, to remind the House of a series of resolutions upon this subject, which I offered to their consideration some days ago. I know not whether those resolutions will ever emerge from the pile of matter under which they now lie buried upon your table. If they should, however, I am by no means sure that I shall not propose to lay them aside again without discussion. Nothing, certainly, was further from my purpose in offering them, than to involve this House in a stormy

debate about peace and war. Such debates, I am quite sensible, are of most injurious influence on the public quiet and prosperity, and I have no disposition to render myself responsible for a renewal of them. I desired only then, and I desire only now, to place before the House and before the country, before it is too late, some plain and precise opinions, which are sincerely and strongly entertained by myself, and which I believe to be no less strongly entertained by many of those with whom I am politically associated, in regard to the present most critical state of our foreign relations.

I desire to do this on many accounts, and to do it without delay. An idea seems to have been gaining ground in some quarters, and to have been somewhat industriously propagated in all quarters, that there is no difference of sentiment in this House in reference to the course which has thus far been pursued, or which seems about to be pursued hereafter, in regard to this unfortunate Oregon controversy. Now, Sir, upon one or two points connected with it, there may be no difference of opinion. I believe there is none upon the point, that the United States have rights in Oregon which are not to be relinquished. I believe there is none upon the point, that, if the controversy with Great Britain should result in war, our country, and the rights of our country on both sides of the Rocky Mountains, are to be maintained and defended with all the power and all the vigor we possess. I believe there is none either upon the point, that such is the state of this controversy at the present moment, that we owe it to ourselves, as guardians of the public safety, to bestow something more than the ordinary annual attention — I might better say the ordinary annual inattention — upon our national defences, and to place our country in a posture of preparation for meeting the worst consequences which may befall it.

So far, Mr. Speaker, I believe there are common opinions, united thoughts and counsels, in both branches of Congress, and indeed throughout the country, without distinction of party. But certainly there are wide differences of sentiment among ourselves and among our constituents, upon other no less interesting and substantial points. And I am not one of those who

believe in the necessity, or in the expediency, of concealing these differences. I have very little faith in the *hush* policy. I have very little faith in the wisdom of keeping up an appearance of entire unanimity upon a question like this, where such unanimity does not exist, for the sake of mere stage effect, and with a view of making a more profound impression upon the spectators. Every body understands such concerted arrangements; every body sees through them, whether the theatre of their presentment be on one side of the Atlantic or on the other.

Because Sir Robert Peel and Lord John Russell, and Lord Aberdeen and Lord Palmerston, thought fit to unite in a common and coincident expression of sentiment, in the two Houses of Parliament, eight or nine months ago, during the well-remembered debate on the President's inaugural address, I do not know — I do not believe — that the people of the United States were any the more awed from the maintenance of their own previous views and purposes in regard to Oregon, than if these distinguished leaders of opposite parties had exhibited something less of dramatic unity, and had indulged rather more freely in those diversities of sentiment which ordinarily lend interest to their discussions. Nor am I of opinion, on the other hand, that a similar course on this side of the ocean is to have any material influence on the action of the British Government. I hold, at any rate, that it is better for us all to speak our own minds, to declare our own honest judgments, and to look more to the influence of our remarks upon our own people and our own policy, than upon those of Great Britain.

I may add, Sir, that in presenting these resolutions at the earliest opportunity which was afforded me, I was actuated by the desire to put my own views upon record, before the returning Steamers should bring back to us from England the angry recriminations to which the last message of the President may not improbably give occasion, and before the passions of our people were inflamed by any violent outbreaks of British feeling, which that document is so likely to excite.

I am perfectly aware, Mr. Speaker, that, let me express the views which I entertain when I may, I shall not escape reproach and imputation from some quarters of the House. I know that

there are those by whom the slightest syllable of dissent from the extreme views which the Administration would seem recently to have adopted, will be eagerly seized upon as evidence of a want of what they call patriotism and American spirit. I spurn all such imputations in advance. I spurn the notion that patriotism can only be manifested by plunging the nation into war, or that the love of one's own country can only be measured by one's hatred to any other country. Sir, the American spirit that is wanted at the present moment, wanted for our highest honor, wanted for our dearest interests, is that which dares to confront the mad impulses of a superficial popular sentiment, and to appeal to the sober second thoughts of moral and intelligent men. Every schoolboy can declaim about honor and war, the British lion and the American eagle; and it is a vice of our nature that the calmest of us have heartstrings which may vibrate for a moment even to such vulgar touches. But, — thanks to the institutions of education and religion which our fathers founded! — the great mass of the American people have, also, an intelligence and a moral sense which will sooner or later respond to appeals of a higher and nobler sort, if we will only have the firmness to make them. It was a remark of an old English courtier, a century and a half ago, to one who threatened to take the sense of the people on some important question, that he would take the *nonsense* of the people and beat him twenty to one. And it might have been something better than a good joke in relation to the people of England at the time it was uttered. But I am not ready to regard it as applicable to our own intelligent and educated American people at the present day. An appeal to the nonsense of the American people may succeed for an hour; but the stern sense of the country will soon reassert itself, and will carry the day in the end.

But, Mr. Speaker, there are other reproaches, besides those of my opponents, to which I may be thought to subject myself, by the formal promulgation of the views which I entertain on this subject. It has been said, in some quarters, that it is not good party policy to avow such doctrines; that the friends of the Administration desire nothing so much as an excuse for branding the Whigs of the Union as the peace party; and

that the only course for us in the minority to pursue, is to brag about our readiness for war with those that brag loudest. Now, I am entirely sensible that if an opponent of the present administration were willing to make a mere party instrument of this Oregon negotiation, he might find in its most recent history the amplest materials, for throwing back upon the majority in this House the imputations, in which they have been heretofore so ready to indulge. How easy and obvious it would be for us to ask, where, where was the heroic determination of the Executive to vindicate our title to the whole of Oregon — yes, sir, "*the whole or none*" — when a deliberate offer of more than five degrees of latitude was recently made to Great Britain? — Made, too, at a moment when the President and his Secretary of State tell you that they firmly believed that our right to the whole was clear and unquestionable! How easy it would be to taunt the Secretary of State with the policy he has pursued in his correspondence, of keeping back those convincing arguments upon which he now relies to justify him in claiming the whole of this disputed territory, until his last letter, — until he had tried in vain to induce Great Britain to accept a large part of this territory, — as if he were afraid to let even his own country understand how good our title really was, in case he could succeed in effecting a compromise!

For myself, however, I utterly repudiate all idea of party obligations or party views in connection with this question. I scorn the suggestion that the peace of my country is to be regarded as a mere pawn on the political chess-board, to be perilled for any mere party triumph. We have seen enough of the mischief of mingling such questions with party politics. We see it at this moment. It has been openly avowed elsewhere, and was repeated by the honorable member from Illinois (Mr. Douglas) in this House yesterday, that Oregon and Texas were born and cradled together in the Baltimore convention; that they were the twin offspring of that political conclave; and in that avowal may be found the whole explanation of the difficulties and dangers with which the question is now attended.

I honor the administration, Mr. Speaker, for whatever spirit of conciliation, compromise, and peace, it has hitherto mani-



fested on this subject, and I have no hesitation in saying so. If I have any thing to reproach them with, or taunt them for, it is for what appears to me as an unreasonable and precipitate abandonment of that spirit. And if anybody desires on this account, or any other account, to brand me as a member of the peace party, I bare my bosom, I hold out both my hands, to receive that brand. I am willing to take its first and deepest impression, while the iron is sharpest and hottest. If there be any thing of shame in such a brand, I certainly glory in my shame. As Cicero said, in contemplation of any odium which might attach to him for dealing in too severe or summary a manner with Catiline, "*Eo animo semper fui, ut invidiam virtute partam, gloriam, non invidiam, putarem!*"

But who, who is willing to bear the brand of being a member of the war party? Who will submit to have that Cain-mark stamped upon his brow? I thank Heaven that all men, on all sides, have thus far refused to wear it. No man, of ever so extreme opinions, has ventured yet to speak upon this question without protesting, in the roundest terms, that he was for peace. Even the honorable member from Illinois, who was for giving the notice to quit at the earliest day, and for proceeding at once to build forts and stockades, and for asserting an exclusive jurisdiction over the whole Oregon Territory at the very instant at which the twelve months should expire, was as stout as any of us for preserving peace. My venerable colleague, (Mr. Adams,) too, from whom I always differ with great regret, but in differing from whom on the present occasion, I conform not more to my own conscientious judgment than to the opinions of my constituents and of a great majority of the people of Massachusetts, as I understand them — he, too, I am sure, even in that very torrent of eloquent indignation which cost us for a moment the order and dignity of the House, could have had nothing but the peace of the country at heart. So far as peace, then, is concerned, it seems that we are all agreed. "Only it must be an honorable peace;" — that, I think, is the stereotyped phrase of the day; and all our differences are thus reduced to the question, What constitutes an honorable peace?

Undoubtedly, Mr. Speaker, the answer to this question must

depend upon the peculiar circumstances of the case to which it is applied. Yet, I will not pass to the consideration of that case without putting the burden of proof where it belongs. Peace, sir, in itself, in its own nature, and of its own original essence, is honorable. No individual, no nation, can lay a higher claim to the honor of man or the blessing of Heaven than to seek peace and ensue it. Louis Philippe may envy no monument which ever covered human dust, if it may justly be inscribed on his tombstone, (as has recently been suggested,) that, while he lived, the peace of Europe was secure! And, on the other hand, war, in its proper character, is disgraceful; and the man or the country which shall wilfully and wantonly provoke it, deserves the execrations of earth and heaven. These, Mr. Speaker, are the general principles which civilization and Christianity have at length ingrafted upon the public code of Christendom. If there be exceptions to them, as I do not deny there are, they are to be proved specially by those who allege them. Is there, then, any thing in the Oregon controversy, as it now stands before us, which furnishes an exception to these general principles? — any thing which would render a pacific policy discreditable, or which would invest war with any degree of true honor? I deny it altogether. I reiterate the propositions of the resolutions on your table. I maintain,—

1. That this question, from its very nature, is peculiarly and eminently one for negotiation, compromise, and amicable adjustment.

2. That satisfactory evidence has not yet been afforded that no compromise which the United States ought to accept can be effected.

3. That, if no other mode of amicable settlement remains, arbitration ought to be resorted to; and that this government cannot relieve itself from its responsibility to maintain the peace of the country while arbitration is still untried.

I perceive, sir, that the brief time allowed us in debate will compel me to deal in the most summary way with these propositions, and that I must look to other opportunities for doing full justice either to them or to myself. Let me hasten, however, to do them what justice I may.

There are three distinct views in which this question may be presented, as one peculiarly fit for negotiation and compromise. In the first place, there is the character of the subject-matter of the controversy. Unquestionably there may be rights and claims not of a nature to admit of compromise, and as to which there must be absolute and unconditional relinquishment on one side or the other, or a conflict is inevitable. I may allude to the impressment of our seamen as an example, — a practice which could not be renewed by Great Britain at any moment, or under any circumstances, without producing immediate hostilities. But here we have as the bone of our contention, a vast and vacant territory, thousands of miles distant from both countries, entirely capable of division, and the loss of any part, I had almost said of the whole, of which, would not be of the smallest practical moment to either of them ; — a territory the sovereignty of which might remain in abeyance for half a century longer without serious inconvenience or detriment to anybody, and in reference to which there is certainly not the slightest pretence of a necessity for summary or precipitate action. We need ports on the Pacific. As to land, we have millions of acres of better land still unoccupied on this side of the mountains. What a spectacle it would be, in the sight of men and of angels, for the two countries which claim to have made the greatest advances in civilization and Christianity, and which are bound together by so many ties of nature and art, of kindred and of commerce, each of them with possessions so vast and various, to be seen engaging in a conflict of brute force for the immediate and exclusive occupation of the whole of Oregon ! The annals of barbarism would afford no parallel to such a scene !

In the second place, sir, there is the character of the title to this territory on both sides. I shall attempt no analysis or history of this title. I am certainly not disposed to vindicate the British title ; and as to the American, there is nothing to be added to the successive expositions of the eminent statesmen and diplomatists by whom it has been illustrated. But, after all, what a title it is to fight about ! Who can pretend that it is free from all difficulty or doubt ? Who would take an acre of land upon such a title as an investment, without the warranty

of something more than the two regiments of riflemen for which your bill provides? Of what is the title made up? Vague traditions of settlement, musty records of old voyages, conflicting claims of discovery, disputed principles of public law, acknowledged violations of the rights of aboriginal occupants — these are the elements — I had almost said the beggarly elements — out of which our clear and indisputable title is compounded. I declare to you, Sir, that as often as I thread the mazes of this controversy, it seems to me to be a dispute as to the relative rights of two parties to a territory, to which neither of them has any real right whatever; and I should hardly blame the other nations of the world for insisting on coming in for scot and lot in the partition of it. Certainly, if we should be so false to our character as civilized nations as to fight about it, the rest of Christendom would be justified, if they had the power, in treating us as we have always treated the savage tribes of our own continent, and turning us both out altogether.

Why, look at a single fact in the history of this controversy. In 1818, we thought our title to Oregon as clear and as unquestionable as we think it now. We proposed then to divide it with Great Britain, without the slightest reference to any third party in interest. Yet at that very moment Spain was in possession of those rights of discovery, which, since they were transferred to us by the treaty of Florida, we consider as constituting one of the strongest elements in our whole case. It is a most notable incident, that in the discussions of 1818 not a word was said in regard either to the rights of Spain or to the Nootka convention. Yet now Great Britain and the United States are found placing their principal reliance on these two sources of title. Is there not enough in this historical fact to lead us to distrust our own judgments and our own conclusions, and to warn us of the danger of fixing our views so exclusively on our own real or imagined wants or interests, as to overlook the rights of others?

Let me not be misunderstood, Mr. Speaker. I have no hesitation in saying that I honestly think, upon as dispassionate a review of the correspondence as I am capable of, that the American title to Oregon is the best now in existence. But I hon-

estly think, also, that the whole character of the title is too confused and complicated to justify any arbitrary and exclusive assertions of right, and that a compromise of the question is every way consistent with reason, interest, and honor.

There is one element in our title, however, which I confess that I have not named, and to which I may not have done entire justice. I mean that new revelation of right, which has been designated as the right of our manifest destiny to spread over this whole continent. It has been openly avowed, in a leading administration journal, that this, after all, is our best and strongest title; one so clear, so preëminent, and so indisputable, that if Great Britain had all our other titles in addition to her own, they would weigh nothing against it. The right of our manifest destiny! There is a right for a new chapter in the law of nations; or rather in the special laws of our own country; for I suppose the right of a manifest destiny to spread, will not be admitted to exist in any nation except the universal Yankee nation! This right of our manifest destiny, Mr. Speaker, reminds me of another source of title which is worthy of being placed beside it. Spain and Portugal, we all know, in the early part of the sixteenth century laid claim to the jurisdiction of this whole northern continent of America. Francis I. is related to have replied to this pretension, that he should like to see the clause in *Adam's Will*, in which their exclusive title was found. Now, Sir, I look for an early reproduction of this idea. I have no doubt that if due search be made, a copy of this primeval instrument, with a clause giving us the whole of Oregon, can be somewhere hunted up. Perhaps it may be found in that same Illinois cave in which the Mormon Testament has been discovered. I commend the subject to the attention of those in that neighborhood, and will promise to withdraw all my opposition to giving notice or taking possession, whenever the right of our manifest destiny can be fortified by the provisions of our great First Parent's last will and testament!

Mr. Speaker, there is a third, and, in my judgment, a still more conclusive reason for regarding this question as one for negotiation and compromise. I refer to its history, and to the admissions on both sides which that history contains. For thirty years

this question has been considered and treated as one not of title, but of boundary. To run a boundary line between Great Britain and the United States from the Rocky Mountains to the Pacific Ocean,—this has been the avowed object of each successive negotiation. It has been so treated by Mr. Monroe, and Mr. Adams, and Mr. Gallatin, and Mr. Rush, and by all the other American statesmen who have treated of it at all. Offers of compromise and arrangement have been repeatedly made on both sides on this basis. Three times we have offered to Great Britain to divide with her on the 49th parallel of latitude, and to give her the navigation of the Columbia into the bargain. Mr. Polk and Mr. Buchanan themselves have acted upon the same principle up to the moment of the final abrupt termination of the negotiations. They have offered again to make the 49th parallel the boundary line between the possessions of Great Britain and the United States in the Northwestern Territory. With what face, then, can we now turn round and declare that there is no boundary line to be run, nothing to negotiate about, and that any such course would involve a cession and surrender of American soil! Such a course would be an impeachment of the conduct of the distinguished statesmen whose names I have mentioned. It implies an imputation upon the present President of the United States and his Secretary of State. And, explain it as we may, it would be regarded as an unwarrantable and offensive assumption by the whole civilized world.

Sir, I am glad to perceive that the language of the President's message is in some degree conformable to this view. He tells us that the history of the negotiation thus far "affords satisfactory evidence," not that no compromise ought to be made, but that "no compromise which the United States ought to accept can be effected."

And this brings me to another of my propositions. I take issue with the message on this point. I deny that the rejection of the precise offer which was made to Great Britain last summer, has furnished satisfactory evidence that no compromise which the United States ought to accept can be effected. Certainly, I regret that Great Britain did not accept that offer. Certainly, I think that this question might fairly be settled on

the basis of the 49th parallel; and I believe sincerely that, if precipitate and offensive steps be not taken on our part, the question will ultimately be settled on that basis. But there may be little deviations from that line required, to make it acceptable to Great Britain; and, if so, we ought not to hesitate in making them. I deny that the precise offer of Mr. Buchanan is the only one which the United States ought to accept for the sake of peace. Such a suggestion is an impeachment of the wisdom and patriotism of men by no means his inferiors, who have made other and more liberal offers. I think that we ought to accept a compromise at least as favorable to Great Britain as the one which we have three times proposed to her. If we are unwilling to give her the navigation of the Columbia, we should provide some equivalent for it. If the question is to be amicably settled, it must be settled on terms consistent with the honor of both parties. And nobody can imagine that Great Britain will regard it as consistent with her honor, to take a line less favorable to her interests, than that which she has three times declined within the last thirty years. Let me say, however, in regard to the navigation of the Columbia, that, if I understand it aright, it is of very little importance whether we give it or withhold it, as the river is believed not to be navigable at all, where it is struck by the forty-ninth parallel of latitude. I trust that we shall not add folly to crime, by going to war rather than yield the navigation of an unnavigable river.

And here, Sir, I have a word to say in reference to a remark made by the honorable member from New York who has just taken his seat, (Mr. Preston King.) I understood him to say that the Administration, in making the offer of the forty-ninth parallel to Great Britain during the last summer, did it with the perfect understanding that it would be rejected. I appeal to the honorable member to say whether I have quoted him correctly.

MR. P. KING. I said I had heard it, and believed it to be so.

MR. WINTHROP. There is an admission to which I wish to call the solemn attention of the House and of the country. I trust in Heaven that the honorable member is mistaken. I trust, for the honor of the country, that the chairman of the Committee on Foreign Affairs will obtain official authority to contradict this statement.

**Mr. C. J. INGERSOLL.** I will not wait for any authority. I deny it most unqualifiedly.

**Mr. P. KING.** I have no other authority on this subject than public rumor, and this I believe to be correct.

**Mr. WINTHROP.** It cannot be correct. What sort of an administration are you supporting, if you can believe them to have been guilty of an act of such gross duplicity in the face of the world, in order to furnish themselves with a pretext for war? I would not have heard their enemy suggest such an idea.

**Mr. P. KING.** Any man of common sense might have known that such a proposition to the British Government would be rejected, as it has been, without even being remitted across the water.

**Mr. WINTHROP.** Better and better. I thank the honorable member even more for the admission he has now made.

**Mr. P. KING.** You are welcome to it.

**Mr. WINTHROP.** I am under no particular obligation to vindicate the course of the present Administration. But, as an American citizen, without regard to party, and with a single eye to the honor of my country, I would indignantly repel the idea that our Government, in whosoever hands it might be, could be guilty of so scandalous and abominable an act as that which has now been imputed to it by one of its peculiar defenders. But the honorable member admits that any man of common sense must have understood, that the minister of Great Britain would refuse the offer which was thus made, (hypocritically made, as he believes,) and would refuse it precisely as it has been refused, without even transmitting it across the water. What, then, becomes of all the indignation which has been expressed and implied by the Administration and its friends, from the Secretary of State downwards, at the rejection, and more particularly at the manner of the rejection, of that offer? Why, it seems, after all, that the honorable member and myself are not so very far apart. This admission of his is entirely in accordance with the view which I have already expressed, that if any compromise whatever was to be made, (and I rejoice to find that even the chairman of the Committee of Foreign Affairs has this morning emphatically denominated himself a compromiser,) the



rejection of this precise offer does not authorize us to leap at once to the conclusion, that "no compromise which the United States ought to accept can be effected." If our Government has thus far made no offer, except one which "any man of common sense might have known would be rejected precisely as it has been," I trust it will bethink itself of making another offer hereafter, which will afford to Great Britain a less reasonable pretext for so summary a proceeding.

But, Mr. Speaker, it is certainly possible that, with the best intentions on both sides of the water, all efforts at negotiating a compromise may fail. It may turn out hereafter, though I deny that it is yet proved, that no compromise which the United States ought to accept can be effected. What then? Is there no resort but war? Yes, yes; there is still another easy and obvious mode of averting that fearful alternative. I mean arbitration; a resort so reasonable, so just, so conformable to the principles which govern us in our daily domestic affairs, so conformable to the spirit of civilization and Christianity, that no man will venture to say one word against it in the abstract. But then we can find no impartial arbiter, say gentlemen; and, therefore, we will have no arbitration. Our title is so clear and so indisputable, that we can find nobody in the wide world impartial enough to give it a fair consideration!

Sir, this is a most unworthy pretence; unworthy of us, and offensive to all mankind. It is doing injustice to our own case and to our own character, to assume that all the world are prejudiced against us. Nothing but a consciousness of having giving cause for such a state of feeling, could have suggested its existence. The day has been when we could hold up our heads and appeal confidently, not merely for justice, but for sympathy and succor, if they were needed, to more than one gallant and generous nation. We may do so again, if we will not wantonly outrage the feelings of the civilized world. For myself, there is no monarch in Europe to whom I should fear to submit this question. The King of France, the King of Prussia, the Emperor of Russia, either of them would bring to it intelligence, impartiality, and ability. But, if there be a jealousy of crowned heads, why not propose a commission of civilians? If you will

put no trust in princes, there are profound jurists, accomplished historians, men of learning, philosophy, and science, on both sides of the water, from whom a tribunal might be constituted, whose decision upon any question would command universal confidence and respect. The venerable Gallatin, (to name no other American name,) to whose original exposition of this question we owe almost all that is valuable in the papers by which our title has since been enforced, would add the crowning grace to his long life of patriotic service, by representing his country once more in a tribunal to which her honor, her interests, and her peace might safely be intrusted. At any rate, let us not reject the idea of arbitration in the abstract; and, if the terms cannot be agreed upon afterwards, we shall have some sort of apology for not submitting to it. General Jackson, sir, did not regard arbitration as a measure unfit either for him or his country to adopt. Indeed, it is well understood that he was so indignant at the King of Holland's line not being accepted by us, that he declined to take any further steps on the subject of the north-eastern boundary.

I cannot but regret, Mr. Speaker, that the President, in making up an issue before the civilized world, upon which he claims to be relieved from all responsibility which may follow the failure to settle this question, has omitted all allusion to the fact that arbitration on this subject of Oregon has been once solemnly tendered to us by Great Britain. I am willing, however, to put the very best construction on this omission of which it is susceptible, and to believe that the President desired to leave himself uncommitted upon the point. Without some such explanation, it certainly has a most unfortunate and disingenuous look. This omitted fact is, indeed, enough to turn the scale of the public judgment upon the whole issue. Arbitration offered by Great Britain, and perseveringly rejected by us, leaves the responsibility for the preservation of peace upon our own shoulders. The Administration cannot escape from the burden of that responsibility. And a fearful responsibility it is, both to man and to God!

Before concluding my remarks, as the clock admonishes me I soon must, I desire to revert to one or two points to which I

alluded briefly at the outset. I have already declared myself opposed to the views of my honorable colleague, (Mr. Adams,) as to giving the notice to Great Britain. I honestly believe that the termination of that convention of joint occupation, (I call it by this name for convenience, not perceiving that it makes any material difference as to the real questions before us,) at this moment, under existing circumstances, and with the view, which my honorable colleague has expressed, of following it up by the immediate occupation of the whole of Oregon, would almost unavoidably terminate in war. I see no probable, and hardly any possible, escape from such a consequence. And to what end are we to involve our country in such a calamity? I appeal to my honorable colleague, and to every member on this floor, to tell me what particular advantage is to be derived from giving this notice and terminating this convention at this precise moment, and in advance of any amicable adjustment. The honorable member from Pennsylvania (Mr. C. J. Ingersoll) has said that this convention is the own child of my honorable colleague. It has been twice established under his auspices, and with the advice and consent of statesmen as patriotic and discriminating as any who now hold the helm of our Government. What evil has it done? What evil is it now doing?

The honorable member from Pennsylvania has given us a rich description of the rapid influx of population into that territory. He has presented us with a lively picture of I know not how many thousand women and children on their winding way to this promised land beyond the mountains. Let them go! God speed them! There is nothing in the terms of this convention which impedes their passage, nor any thing which prevents us from throwing over them the protection of a limited territorial government. I am ready to go as far as Great Britain has gone, in establishing our jurisdiction there; and no interest, either of those who are going there, or of those who are staying here, calls on us to go further at present. The best interests of both parties, on the contrary, forbid any such proceeding. Gentlemen talk about following up this notice by taking immediate possession of the territory. This is sooner said than done. What if Great Britain should happen to get the start of us in that proceeding?

Such a thing would not be matter of very great astonishment to those who remember her celerity in such movements, and her power to sustain them when once made. Where should we be then? Would there be no war?

And what would be the consequences of a war under such circumstances; the consequences, not upon cotton or upon commerce, not upon Boston, or Charleston, or New York, but what would be the consequences so far merely as Oregon itself is concerned? The cry is now "the whole of Oregon or none," and echo would answer, under such circumstances, "none!" I see not how any man in his senses can resist the conviction, that, whatever compensation we might console ourselves with, by a cut out of Canada, or by the whole of Canada,—that under whatever circumstances of success we might carry on the war in other quarters of the world or of our own continent,—the adoption of such a course would result in the immediate loss of the whole of the territory in dispute. This, at least, is my own honest opinion.

As a friend, then, to Oregon, with every disposition to maintain our just rights to that territory, with the most sincere desire to see that territory in the possession of such of our own people as desire to occupy it—whether hereafter as an independent nation, as was originally suggested by a distinguished Senator from Missouri, (Mr. Benton,) and more recently by a no less distinguished Senator from Massachusetts, (Mr. Webster,) or as a portion of our own wide-spread and glorious Republic—I am opposed to the steps which are now about to be so hotly pursued.

Sir, I feel that I have a right to express something more than an ordinary interest in this matter. There is no better element in our title to Oregon than that which has been contributed by Boston enterprise. You may talk about the old navigators of Spain, and the Florida treaty, and the settlement at Astoria, and the survey of Lewis and Clarke, as much as you please, but you all come back, for your best satisfaction, to "Auld Robin Gray" in the end. Captain Robert Gray, of Boston, in the good ship *Columbia*, gave you your earliest right of foothold upon that soil.

I have seen, within a few months past, the last survivor of his hardy crew, still living in a green old age, and exhibiting with

pride a few original sketches of some of the scenes of that now memorable voyage. My constituents all feel a pride in their connection with the title to this territory. But in their name I protest against the result of their peaceful enterprise being turned to the account of an unnecessary and destructive war. I protest against the pure current of the river which they discovered, and to which their ship has given its noble name, being wantonly stained with either American or British blood!

But while I am thus opposed to war for Oregon, or to any measures which, in my judgment, are likely to lead to war, I shall withhold no vote from any measure which the friends of the Administration may bring forward for the defence of the country. Whether the Bill be for two regiments or for twenty regiments, it shall pass for all me. To the last farthing, which they may require of us, they shall have men and money for the public protection. But the responsibility for bringing about such a state of things shall be theirs, and theirs only. They can prevent it, if they please. The Peace of the country and the Honor of the country are still entirely compatible with each other. The Oregon question is still perfectly susceptible of an amicable adjustment, and I rejoice to believe that it may still be so adjusted. We have had omens of peace in the other end of the Capitol, if none in this. But if war comes, the Administration must take the responsibility for all its guilt and all its disgrace.

## N O T E .

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THE Resolutions referred to in the foregoing speech, and which were offered by Mr. Winthrop in the House of Representatives on the 19th of December, 1845, were as follows:—

*Resolved*, That the differences between the United States and Great Britain, on the subject of the Oregon Territory, are still a fit subject for negotiation and compromise, and that satisfactory evidence has not yet been afforded that no compromise which the United States ought to accept can be effected.

*Resolved*, That it would be a dishonor to the age in which we live, and in the highest degree discreditable to both the nations concerned, if they should suffer themselves to be drawn into a war, upon a question of no immediate or practical interest to either of them.

*Resolved*, That if no other mode for the amicable adjustment of this question remains, it is due to the principles of civilization and Christianity that a resort to arbitration should be had; and that this government cannot relieve itself from all responsibility which may follow the failure to settle the controversy, while this resort is still untried.

*Resolved*, That arbitration does not necessarily involve a reference to crowned heads; and that, if a jealousy of such a reference is entertained in any quarter, a commission of able and dispassionate citizens, either from the two countries concerned or from the world at large, offers itself as an obvious and unobjectionable alternative.

## RIVER AND HARBOR IMPROVEMENTS.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, MARCH 12, 1846.

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I AM glad of an opportunity, Mr. Chairman, to give something more than a silent vote in favor of the bill now under consideration. I know not how it may be with others, but to me it is not a little refreshing, to find this House once more engaged in the discussion of measures, which look to the immediate interests of our own country, within its rightful and recognized limits. We have been so much occupied of late with questions of foreign relation, — with matters pertaining to recent and remote acquisitions, or distant and disputed territories, — that we have been in danger of forgetting the old and ample homestead which our fathers bequeathed to us. The astrologer, in the fable, is said to have gazed so intently at the stars, that he stumbled into the well. And we, too, have kept our eyes so exclusively on the sister stars, as they have been termed, — the *twin comets*, let me rather call them, which are sweeping through our political sky, in marvellous coincidence with those which are, at this moment, shooting across the heavens above us, and which would seem to be, even now, according to the old superstition, “shaking from their horrid hair pestilence and war,” — that the nearer and dearer interests of the people have been almost abandoned to their fate.

I rejoice, Sir, that we have at last found a moment for withdrawing our eyes from Oregon and Texas, and fixing them upon our own domestic condition. I rejoice in the contemplation of a bill providing, not for the external aggrandizement, but for the

internal improvement, of our country. I trust that no one will be afraid of the name — internal improvement. It is a name, it is a thing, which ought to rally to its support every real friend of the Republic. In every view which can be taken of the true interest of the Republic, this bill, and bills like this, must be regarded as of no other than first-rate importance. To our commerce, to our agriculture, to our manufactures, (if, indeed, this nation is henceforth, under the ruthless policy of the present administration, to have any manufactures of its own,) — to all our material and to all our moral interests, to our prosperity in peace and to our protection in war, to the preservation of our political union, and to the promotion of that more substantial union, whose best and most binding cement must be derived from mutual intercourse and reciprocal interchanges, — to all, alike and equally, the policy of which this measure is a practical illustration, will lend the most effective encouragement and aid.

Sir, it would be a waste of words to enter upon any detailed amplification of these ideas. Nobody denies their abstract justness. Every one will readily concur with me in the position, that nothing is calculated to conduce more to the general prosperity and welfare of our country, than the improvement of its landcourses and watercourses, and the increased facilitation of all its ways and means of personal and commercial intercommunication.

Yet this bill meets with opposition; with the sternest and most strenuous opposition from some quarters of the House. It is branded with all sorts of reproachful and ignominious epithets. It is styled a measure of profligacy and plunder. It is denounced as anti-Republican and unconstitutional. Its friends are reproached with resorting to a disgraceful system of log-rolling; and a special rule, even, has been summarily adopted, under the lead of the enemies of the bill, for the purpose of defeating it in detail, and of breaking up what has been stigmatized as the corrupt combination of its friends.

I desire to vindicate the bill from some of these aspersions. I desire to take issue on one or two of the most plausible grounds on which it has been thus rudely and bitterly assailed,



and upon one or two of the artful suggestions which are likely to prove the causes of its failure, if fail it ultimately shall.

I begin with the alleged unconstitutionality of the measure. I have no purpose, however, of entering upon this part of the subject at any great length, or with any particular elaborateness. I decline doing so for two reasons. One, that I could have no hope of adding any thing new to the constitutional views of the subject which have been presented to the House and to the country a thousand times before. The other, that after the experience we have recently had, of the manner in which constitutional impediments, the plainest and most palpable, may be overlooked or overleaped at will, constitutional arguments seem to have lost their whole title to respect. So far as the Constitution goes in establishing a frame of government, and in making specific provisions for the tenure of office or the distribution of duties, so far it may still be cited as an instrument of precise import and established authority. But so far as it leaves any thing for interpretation and construction, any thing for argument, implication, or inference, it has become "a charter wide withal as the wind," and one as to whose meaning the weathercocks of the hour are the only trustworthy guides. In the proceedings which have attended the final consummation of the Texan policy, we have seen the doctrine established beyond revocation, that the immediate will of the people, as understood and expressed by the Representatives, Senators, and President for the time being—nay, Sir, that the immediate will of a dominant party, as proclaimed at the eleventh hour of some Baltimore Convention—is *de facto* the Constitution. In other words, a view of the Constitution has been adopted and practised upon, in these latter days, far more latitudinarian, and longitudinarian, too, than was ever dreamed of before; and that, under the immediate auspices, at the direct instigation, and for the peculiar interests, of those, who have been accustomed to plume themselves on being strict constructionists of the straitest sect.

But though the day for elaborate constitutional argument seems thus to have been brought to a close, I cannot deny myself the satisfaction of reminding some of these gentlemen, who, having effected their own darling design by an unmatched out-

stretching of power, would now shrink back again within the shell of strict construction,—that the bill under consideration may appeal, for a sanction to its constitutionality, to authority and to example, which even they will hardly venture to dispute.

Mr. Chairman, there has been not a little discussion, for some days past, as to the precise provision of the Constitution under which this bill may be justified. For myself let me say, that whenever I have been able to find a uniform current of example, running through a long series of years, in favor of the exercise of any particular power, I have never thought it important to perplex myself too deeply as to the exact clause from which the power was derived. Yet I could not but listen with more than ordinary pleasure to the able argument of the honorable member from Maryland, (Mr. Constable,) who addressed the committee a few moments since, and who derived the authority of Congress to pass this bill from the power given us expressly by the Constitution “to regulate commerce.” It was fit, Sir, that the vindication of this particular power should come from such a quarter. It was in the capital of the State which the honorable member in part represents, that the first concerted movement was made to confer this power upon the General Government. It was at Annapolis, that the incipient measures were taken, which resulted in the adoption of the present Constitution of the United States. It was there, in the month of September of the year 1786, that a meeting of commissioners from some of the principal States was held, “to take into consideration the trade and commerce of the United States; to consider how far a uniform system in their commercial intercourse and regulations might be necessary to their common interest and permanent harmony; and to report to the several States such an act relative to this great object as, when unanimously ratified by them, would enable the United States in Congress assembled effectually to provide for the same.”

At this meeting only six of the States were represented: the States of Maryland, New York, New Jersey, Pennsylvania, Delaware, and Virginia. The meeting was therefore dissolved without having attempted any definite action; but not, however, without having adopted an address to the States recommending a future

convention with enlarged powers. As one of the reasons for this recommendation, the commissioners say: "They are the more naturally led to this conclusion, as, in the course of their reflections on the subject, they have been induced to think that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the Federal Government, that, to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, may require a correspondent adjustment of other parts of the federal system."

Out of this recommendation came the Constitution of the United States. The great original object of its establishment was, thus, to confer upon the General Government "the power to regulate commerce;" and that power was accordingly conferred in that large and comprehensive sense in which it was understood by the commissioners at Annapolis, among whom were James Madison, Alexander Hamilton, and others of the most prominent members of the convention, by which the Constitution was subsequently framed.

Under this authority, the General Government, from the earliest days of its existence, has made provision for the promotion and protection of the navigating, the commercial, and the industrial interests of the people. It has done this by light-house systems. It has done this by pilot systems. It has done this by consular systems. It has done this by currency systems. It has done this by coast survey systems. It has done this by the systematic establishment of breakwaters, sea-walls, beacons, and buoys upon our bays and harbors. It has done this by its systematic encouragement of American tonnage. And it has done this by its no less systematic legislation for the protection of American labor.

Yes, Sir, these systems, one and all, had their origin "in the better days of the Republic," to use the phrase which was employed by the honorable member from Alabama, (Mr. Payne,) who so pathetically deplored the introduction of the measure before us, as marking the degeneracy of modern republicanism.

I confess, Mr. Chairman, that I was a little astonished at hearing such a phrase from such a source. "The better days of the Republic!" And this from a leading member of the party which

assumes to itself an exclusive title to the name of Democracy! What, Sir, the Democracy of this country, the progressive Democracy, in the first flush of its recent and most triumphant success, with all the branches of the Government under its control, looking back so soon and with such a sigh to the past, and acknowledging that the Republic has seen better days and better Democrats! If such a sentiment had found utterance on this side of the House, it would have been rebuked as an evidence of that ultra conservatism, and of that opposition to all progress, with which the Whig party of the nation is so frequently and so falsely charged.

In all seriousness, however, I sympathize most sincerely with the honorable member in this sentiment. Better days, I freely admit with him, — O! how much better days, — this Republic has seen in the past; and God grant that it may still see better in the future! Better, in all that relates to the moral character of its internal administration. Better in all that concerns the wise, just, or generous administration of its foreign affairs. Better, in every view of its Constitution and laws, and of the union and liberty which they were framed to secure.

And now, Sir, I beg the honorable member to turn back with me to the records of some of those "better days of the Republic," and to see whether the measures which he has so roundly denounced, are altogether without example. Let him open with me this first volume of the new and beautiful edition of our National Code — a volume worthy in its mechanical execution of the rich matter which it contains — and let us follow together, for a few moments, the first Congress of the United States, with Washington at their head, in their practical interpretation of the Constitution which they had just established.

Their first Act provided only for administering to each other, and to the various officers of the State and National Governments, the required oath to support the new Constitution. Under the solemn obligations of that oath, they proceeded to the work of legislation. And what was their second Act? An act, be it remembered, which was signed by George Washington, in the very year in which the Constitution, framed by the convention over which he had presided, was put into operation,

and on the very day on which, thirteen years before, the Declaration of Independence was formally promulgated to the people. Methinks, Sir, that if any man, on any day, might be presumed to have affixed a signature, in the true spirit which declared our Independence and dictated our Constitution, it would be George Washington, on the Fourth of July, 1789! And what was the act to which he did affix his signature on that day?

"Whereas, (says its never-to-be-forgotten preamble,) it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise imported, Be it enacted,"—

Be what enacted, Sir? That there be no specific duties? That no article shall be subject to any duty higher than the lowest which will yield the largest amount of revenue? That there shall be no discriminations, except with a view to the wants of the Government? That salt shall be free, and that there shall be no bounty or drawback for the fisheries? No, no, Mr. Chairman, not one of these absurd edicts of the present Administration is to be found associated with this memorable preamble of the first Congress, or with this memorable signature of George Washington. The bill before me contains provisions the very reverse of them all. Here is a list of forty or fifty enumerated articles, subjected to every variety of specific duties. Here are other lists of articles, subjected to *ad valorem* duties, arranged with obvious reference to protection. Here is a duty of six cents a bushel on salt; and here is a provision for those allowances and encouragements to the fisheries, under which was built up that nursery for seamen, from whence went out the hardy mariners who broke the spell of British invincibility on the ocean in 1812, and who have defended their country's flag in every danger and on every deep.

In this act, Mr. Chairman, is found the first practical exemplification of the principles of the Constitution. Here is the earliest development of that "power to regulate commerce," which it was the main purpose of the Constitution to confer upon the General Government. It is employed in this instance for the protection of manufactures. Pass to the third act, and you find

it called into exercise again, for the protection of the navigating interests of the country. Specific, discriminating duties, are there imposed, for the encouragement of vessels built in the United States, or belonging to American citizens; and the first movement is there made towards the establishment of that great monopoly — the coasting trade — which was perfected and consummated by the eleventh act of the same session of the same Congress. The honorable member will find in this act the principle of protection carried to the extent of absolute and perpetual prohibition.

Let me call the attention of the honorable member more especially, however, to the ninth act of the first Congress, that he may see what was the earliest execution of this power "to regulate commerce," in connection with the immediate subject of the bill before us. It is here enacted, "that all expenses which shall accrue from and after the 15th day of August, one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk before the passing of this act, at the entrance of, or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the United States." It is further enacted, "that it shall be the duty of the Secretary of the Treasury to provide by contracts, which shall be approved by the President of the United States, for building a light-house near the entrance to Chesapeake Bay, and for rebuilding, when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several States, and for furnishing the same with the necessary supplies; and also to agree for the salaries, wages, or hire of the person or persons appointed by the President for the superintendence and care of the same." It is further enacted by the same bill, "that all pilots in the bays, inlets, rivers, harbors, and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be, or with such laws as the States may, respectively, hereafter enact for the purpose, until further legislative provision shall be made by Congress."

By the terms of this act, Mr. Chairman, we plainly perceive that the members of the first Congress of the United States, so many of whom had been personally and prominently engaged in the formation of the Constitution, were not merely of opinion that the General Government had the power to establish light-houses, beacons, buoys, and public piers in the various bays, inlets, and harbors of the Union, and to regulate the pilotage in all the ports and rivers of the country, but that they considered it one of its positive and paramount duties so to do. The bill commences by assuming all the light-houses, beacons, buoys, and public piers, which had been already constructed by the several States, and by bringing them henceforth under the exclusive control and direction of the National Legislature. It proceeds to speak of the persons, under whose care and superintendence these various works were to be placed, as national officers, to be appointed by the President, and paid out of the national treasury. It goes on to sanction the pilot laws of the several States, as they already existed, or as they might thereafter be enacted, but only "until further legislative provision shall be made by Congress." Thus, in every line of the bill is found the most explicit declaration, or the clearest implication, that the new Constitution had devolved the responsibility of making provision for all these matters upon the Government of the Union.

Nor does the phraseology of this bill fail to furnish us with the reason upon which such legislation proceeded. "For rendering the navigation thereof easy and safe,"—this is the language of the first section, and most comprehensive and conclusive language it is. It sets forth, with a distinctness which defies all attempt at mystification, that the rendering of the navigation of the various bays, inlets, rivers, harbors, and ports of the United States easy and safe, was, in the judgment of the first Congress, with Washington at its head, and with Madison among its members, a subject of national concern, and of constitutional appropriation.

With such language as this before their eyes, how can gentlemen undertake to draw distinctions, as they have done, between the erection of light-houses and the improvement of harbors?

Let me give them a case. We have, in the harbor of Boston, a ledge of rocks, well known to mariners by the name of Minot's Ledge. It presents a most dangerous obstruction to our navigation. Many a fair ship has gone to pieces upon that ledge, and more than one seaman has perished among its breakers, while his home was almost within view. For ten years past we have been calling upon you to place a light-house there, and, during those same ten years, cargoes have been lost for want of that light-house, the mere duties upon which would have more than defrayed the cost of its construction. Nobody doubts that such a light-house would be constitutional, and I trust that the day is not far distant when it will be erected.

But suppose, Sir, it were as practicable and as economical to remove these rocks, as to build a light-house upon them; will any one presume to say that we have the power to do the one, but not to do the other? Are they not different means of accomplishing the same end? Do not both measures rest alike on the same broad principle of "rendering the navigation of the harbor easy and safe?" Upon what imaginable ground can you justify one and condemn the other? Even if you deny that either step can be taken under the power "to regulate commerce," and proceed to justify your light-house system as an incident to the navy power, or to any other power, how does that help the matter? What principle of discrimination can you set up, which shall forbid you to remove a rock, or a ledge of rocks, from the pathway, either of your merchantmen or your men-of-war, but which shall give you unquestioned authority to build a light-house, by which they may descry such rocks, and may sail safely and easily round them?

But one word, however, seems to me to be necessary to extinguish the idea which has been suggested, that the power to erect light-houses is an incident to the power to maintain a navy. The power to build and equip a navy, existed under the old Confederation. Yet it was only after the adoption of the Constitution, as we have seen in this act, that light-houses were made the subject of national legislation, or were understood to be within the jurisdiction of the Congress of the United States.

Mr. Chairman, the early acts of our National Legislature, to



which I have thus referred, are the true practical exemplifications of what the Constitution was designed to be, by those who framed it. They are of more value to the right understanding of that instrument than even the essays of the Federalist, as showing, not how it was explained before its adoption, but how it was executed afterwards. They bear the same sort of relation to the text of the Constitution, which the Acts of the Apostles bear to the Gospel narrative. They ought to be studied in our schools, and committed to memory by our children, as the laws of the Twelve Tables were in the schools and by the youth of Rome. The four Acts which I have particularly cited, are parts of one comprehensive system. They are consistent chapters of one homogeneous statute. Whatever doubts may be entertained as to their being all justified by the same precise clause of the Constitution, they all obviously rest on one and the same principle of administering that Constitution — the principle that it is to be administered for the protection of the people — their protection in peace as well as in war — their general welfare, as well as their common defence.

Sir, it was a notable saying, some four or five years ago, of one of the most distinguished leaders of the now dominant party of the nation, "let the Government attend to its own business, and let the people attend to theirs." The remark was made in immediate reference to the Sub-Treasury scheme, which was then agitating the country, and which is now again about to be pressed through this House. It was a remark, however, of broad and general import, and it has always seemed to me to express the whole distinctive policy of the party to which its author belongs. "Let the Government attend to its own business, and let the people attend to theirs!" I need hardly say that I hold to no such doctrine. The party of which I am a member, is organized on no such principle of disregard and unconcern for the interests of the people. We maintain that this Government of ours was established for something besides "attending to its own business," upholding its own authority, and keeping its own state. We deny its right to isolate itself from the concerns of the people, to elevate itself upon a pedestal of proud, repulsive, solitary lordliness, and to avert its eyes from every

thing but its own convenience, its own necessities, or its own dignity. We demand, on the contrary, that in all its provisions for itself, whether in relation to revenue, or currency, or whatever else, it shall keep the business of the people constantly in view, and shall shape all its measures to the end of promoting the greatest prosperity and welfare of the whole country. Governments erected and maintained for the sake of those who administer them; rulers in their own right and for their own ends; State statues set up for show; these all belong to other ages, or certainly to other lands. The supreme law of our Republic is the common defence and general welfare of the People.

This doctrine, Mr. Chairman, that the Government is to attend to its own business, and to leave the people to attend to theirs, strikes not alone at the uniform circulating medium at which it was aimed. It strikes at the discriminating duties of a protecting tariff. And it strikes, also and equally, at these very improvements of rivers and harbors, western and eastern, on the lakes and on the ocean. It is one and the same policy, which protects labor, provides a currency, and facilitates intercommunication. It is one and the same principle of administration, which lifts a snag in the Mississippi, removes a sand bar in Lake Erie, builds a breakwater in Delaware Bay, or a sea-wall in Boston Harbor, issues a national currency at Philadelphia or at Washington, or levies a duty for the encouragement of Pennsylvania iron or coal, New York wool or salt, Louisiana sugar, New England cotton prints, or Kentucky cotton bagging. Abandon that policy, repudiate that principle, adopt this "mind your business" doctrine, and not only will snags and sand bars continue to obstruct your internal navigation, but American enterprise and American labor, in all their branches, will be laid prostrate beneath an overwhelming flood of foreign competition!

The honorable member from South Carolina, (Mr. Rhett,) however, denies, in the roundest terms, that any part of this policy had its origin in 1789; and insists on dating the commencement of the whole of it at "about the year 1820." To my apprehension this is a plain *protestatio contra factum*. It is as clearly a mistake, in my humble judgment, as his ascription of the memorable phrase,—“We are all Federalists and all Re-

publicans," to Mr. Monroe, instead of to its true author, Mr. Jefferson. Until he can expunge from the statute-book the four acts to which I have referred, and I know not how many other acts scattered broadcast along the pathway of our national legislation from 1789 to 1820,—not forgetting, certainly, that system of cotton minimums which was established in 1816 under the auspices of Mr. Lowndes and Mr. Calhoun,—he can make no headway whatever in maintaining such a position.

The honorable member, however, not merely insists that this whole system had its origin "about the year 1820," but that it has always been the main subject of difference between the federal and republican parties. The true republican party, he again and again declared, have always been opposed to these measures. Now, Sir, I desire to join issue with him on this point also. I utterly deny the correctness of his position; and I proceed to plant myself upon authority, which he is the last person who will attempt to shake. The honorable member must have forgotten the speech of Mr. McDuffie, of South Carolina, on the subject of "Internal Improvements," in the year 1823. Or, certainly, he has overlooked the preface with which the printed copy of that speech was introduced to the world. Let me read to him, and to the House, the remarks which that preface contains, in allusion to a pamphlet which had just before been published under the title of Consolidation.

"Moreover, in the early history of parties, (says Mr. McDuffie,) and when Mr. Crawford advocated a renewal of the old charter (of the United States Bank,) it was considered a federal measure; which internal improvements never was, as this author erroneously states. This latter measure originated in the administration of Mr. Jefferson, with the appropriation for the Cumberland road; and was first proposed, as a system, by Mr. Calhoun, and carried through the House of Representatives by a large majority of the republicans, including almost every one of the leading men who carried us through the late war."

"The author in question, not content with denouncing as federalists General Jackson, Mr. Adams, Mr. Calhoun, and a majority of the South Carolina delegation in Congress, modestly extends the denunciation to Mr. Monroe and the whole republi-

can party. Here are his words: 'During the administration of Mr. Monroe much has passed which the republican party would be glad to approve of, if they could; but the principal feature, and that which has chiefly elicited these observations, is the renewal of the system of internal improvements.' Now, this measure was adopted by a vote of 115 to 86 of a Republican Congress, and sanctioned by a Republican President. Who, then, is this author, who assumes the high prerogative of denouncing, in the name of the Republican party, the Republican administration of the country? A denunciation including, within its sweep, Calhoun, Lowndes, and Cheves; men who will be regarded as the brightest ornaments of South Carolina, and the strongest pillars of the Republican party as long as the late war shall be remembered, and talents and patriotism shall be regarded as the proper objects of the admiration and gratitude of a free people."

I should hardly have ventured, Sir, to address to the honorable member, on my own account, so severe an admonition as to the position which he has assumed, as he will find in these remarks of Mr. McDuffie. I trust that he will lay them duly to heart, and that he will realize the truth of the ancient proverb, that "faithful are the wounds of a friend."

Shall I add, Mr. Chairman, to the list which these paragraphs supply, the name of another most distinguished South Carolina statesman, now no more, whose memory demands a vindication from the charge, of having violated the true republican faith on this subject of internal improvements? About the year 1823, a bill was carried through Congress, "to procure the necessary surveys, plans, and estimates, upon the subject of roads and canals," and authorizing the President to cause such surveys, plans, and estimates, to be made, of the routes of such roads and canals as he might deem of national importance, in a commercial or military point of view, or for the transportation of the mail. In the progress of this bill through the Senate a proviso was offered, in the following terms:

"Provided, that nothing herein contained shall be construed to affirm or admit a power in Congress, on their own authority, to make roads and canals within any of the States of the

Union." Among the votes against this proviso, which was rejected, and in favor of the bill, which was passed, was that of the late lamented General Hayne.

If ever there was an act of Congress which sanctioned, to the fullest extent, the power of the general government to construct works of internal improvement, "of national importance in a commercial point of view," this was that act. And now, Sir, I repeat, that until Washington and the first Congress shall have been convicted of having misunderstood the meaning of the Constitution, and Lowndes, Cheves, Hayne, McDuffie, and Calhoun, of having been ignorant of the nature of true republicanism, this bill will be in no danger of being pronounced by the people, either unconstitutional or anti-republican.

But it is further objected to the bill under consideration, that it makes provision for mere local improvements, and that this government can appropriate money for nothing that is not national. I am willing to concur with gentlemen in the latter clause of this objection, and to confine the powers of the government to appropriations for national works. But the question is, what constitutes a national work? The object of almost every one of our appropriations must have a local habitation and a local name; yet this, certainly, will not be inconsistent with its having a national character and a national consequence. Your navy yards are local; your fortifications are local; your post-offices and post-roads are local; but no one is heard objecting to the annual appropriations connected with any of these subjects of expenditure, on the ground that they are not of national concern. The objection is reserved exclusively, and most unreasonably, as I think, for the precise description of objects for which this bill provides.

Let us then examine, for a moment, some one of the items in the bill, and see whether, even when separately considered, it will not assert its title to be regarded as a work of national importance. Here is a provision for expending forty thousand dollars in improving the harbor of Boston; and I take this item as an example, because the subject of it is more immediately within the range both of my personal knowledge, and of my official responsibility. The appropriation is one of the utmost

importance to the safe navigation of Boston harbor, and I am confident that, if it were rightly understood, there is no item in the bill which would commend itself more strongly to the support of the House. There is, Sir, but a single channel for entering the harbor of Boston by vessels of the largest class, and that, in some parts, a very narrow channel, and by no means a very deep one. On the immediate edge of this channel, there are a number of small islands. One of these islands, well known to navigators by the name of the Great Brewster, owing to the stone which formed its natural protection having been taken off for ballast, has been, for many years past, exposed to the most rapid devastation. It appears from the surveys of the Engineer department that, between the years 1820 and 1840, nearly six acres, or about one fourth of the whole, had been carried away from this island by the action of the waves and winds. The ravages committed upon it by the same elements, during the last five years, are believed to have been even in an accelerated ratio. Meantime, the preservation of the island has been pronounced by the Engineer department, to be "indispensable both as a cover of the anchorages and roadsteads, and also to the maintenance of the requisite depths in the channel." The whole *detritus* of this and the other adjacent islands is swept directly into the narrowest part of the channel, and the rapid shallowing which has resulted from the operation, is, at this moment, the cause of the most serious apprehension to our mariners and pilots. Of the urgent necessity, therefore, of a sea-wall upon this island, to arrest this process of destruction, (and this is the specific purpose of the provision under consideration,) no man will doubt.

But the point which I proposed to examine is, how far this item is one of national importance, and what are the obligations of the general government in regard to it.

Now, Sir, this particular provision may, I am aware, be vindicated upon many distinct grounds. In the first place, this same channel, whose preservation is at stake, is the only entrance to your great northern naval depot at Charlestown; and the same obstructions which would endanger the passage of our full-freighted packet-ships, would leave your full armed frigates

hopelessly aground. It may be matter of serious doubt whether, if this work be delayed for five years longer, a ship of the line, with its armament in position, could make its way out from the Charlestown navy yard.

In the next place, all your fortifications in this harbor have been arranged and constructed with a view to command the entrance of this channel, as it now runs. If the destruction of these islands should fall short of filling it up altogether, and should only result in materially changing its bearings, these works of defence, among the most complete and costly in the country, will be rendered comparatively worthless. It was in this view, Sir, that I pressed so earnestly for the insertion of this provision in the Fortification bill at the last session of Congress.

But it is before us now as a commercial measure, and it is as such that I now claim for it a national character and a national importance. What part of the country, Sir, less than the whole, is concerned in the safe and easy navigation of Boston harbor? Look to its foreign commerce, and to the revenue which is derived from it. During the last year, there were 2,330 arrivals at Boston from foreign ports — more than six for every day in the year — bringing \$21,591,917 worth of goods, and paying into the Treasury \$5,249,634 of duties. There were of course, not far from the same number of foreign clearances. Look to its coastwise trade. During the last year there were 5,631 coastwise arrivals in Boston — about sixteen for every day in the year. From the port of New Orleans alone, as we have been told in one of the letters of “a certain Abbott Lawrence,” (as an honorable member from New York just now termed him, and it was no bad description of him, for a most *certain* man he is — you always know where to find him, and may always rely confidently on his statements) — from the port of New Orleans alone, I repeat, there were 165 arrivals, many of them of vessels of the largest class — ships of from 500 to 700 tons burden each — bringing corn, flour, cotton, tobacco, beef, pork, lard, lead, &c., amounting to many millions of dollars in value.

Let me state, Sir, with something of particularity, the quantity of Southern and Western produce which finds its way into the harbor of Boston from New Orleans and other parts of the

Union. The statement may be of interest in more relations than one, and will not, I trust, be lost sight of, when the worthlessness of a home market is next made the subject of remark.

During the year ending on the 1st day of January last, there arrived at Boston —

74,120	bales of cotton from	New Orleans,
37,268	"	" " Mobile,
27,820	"	" " Florida,
24,085	"	" " Savannah,
21,948	"	" " Charleston,
2,378	"	" " Other places.

Making an aggregate of 187,619 bales.

During the same period there arrived at Boston —

110,160	barrels of flour from	New Orleans,
170,501	"	" " New York,
103,736	"	" " Albany,
40,824	"	" " Fredericksburg,
32,266	"	" " Alexandria,
23,494	"	" " Georgetown,
17,919	"	" " Richmond,
5,512	"	" " Other ports in Virginia,
19,207	"	" " Philadelphia,
21,697	"	" " Baltimore,
2,441	"	" " Other places.

All this by sea-carriage. All this through the harbor which it is proposed by this bill to improve. You must add to this 182,381 barrels brought over the Western Railroad, to make up the grand aggregate of 730,138 barrels of flour, which have found a market in Boston in a single year.

And then there is the import of grain. During the last year there have been brought to Boston —

257,657	bushels of corn from	New Orleans,
25,400	"	" " North Carolina,
326,345	"	" " Norfolk,
128,789	"	" " Fredericksburg,
94,683	"	" " Rappahannock,
110,322	"	" " Alexandria and Georgetown,
60,943	"	" " Other ports in Virginia,
638,620	"	" " Baltimore,
470,049	"	" " Philadelphia,
66,921	"	" " Delaware,
62,250	"	" " New Jersey,
122,719	"	" " New York.



Making, with some 5,000 or 6,000 bushels from other places, the vast quantity of 2,371,406 bushels of corn imported into Boston in a single year. And you must add all this to the flour, and 548, 583 bushels of oats, and 24,184 bushels of rye, and 65,530 bushels of shorts, to both, in order to form any just estimate of the value of Boston harbor to the grain-growing regions of the Union.

I might go on with an account of the importation of other articles; as, for instance—

150,625 Southern hides,

16,597 barrels of tar,

40,177 barrels of turpentine—most of it brought from North Carolina.

But enough has been stated, I am sure, to illustrate the nationality of Boston harbor; enough, certainly, to dispel the idea, that the safe and easy navigation of that harbor is an object of mere local concern.

And now, Mr. Chairman, let me repeat, that I have taken this item of the bill as an illustration of my argument, only because it belongs to me, more especially, to explain and defend it; and not because I am disposed to regard it as more important, or more national, than many other items which the bill contains. Indeed, the very statistics which I have adduced, go far beyond the mere proof of the nationality of the provision to which they relate. If they show that all other parts of the country have an interest in Boston harbor, they show, no less clearly and conclusively, that Boston has an interest in all other parts of the country. And Boston, Sir, and the ancient Commonwealth of which Boston is the metropolis, have always realized and appreciated this idea. Rarely, rarely, if ever, has a Massachusetts Senator, or a Massachusetts Representative, in this Capitol, been found drawing fanciful distinctions between external and internal commerce, or instituting nice discriminations between salt water and fresh. We disavow and repudiate that whole school of constitutional construction, which would regard the lakes and rivers of the interior as any less fit, or any less legitimate, subjects of national supervision, than the bays and harbors of the Atlantic. We read of one and the same power in the general government "to regulate commerce with foreign nations, and

among the several States ;” and we recognize one and the same obligation as to all the appropriate incidents of that power. We rejoice, too, that the great West is waking up to a consciousness of her own interests, and of her own rights, in relation to the exercise of this power. We rejoice that she is rapidly reaching a strength and a maturity, when these interests must be consulted, and these rights allowed. We hail her advent to the political mastery over our affairs as most auspicious, in this respect at least, to the general welfare of the nation. We will go with her in the fulfilment of her “manifest destiny” in this way, if in no other. We look to her mighty and majestic voice, as it shall come up, at no distant day, from a vast majority of the whole people of the Union inhabiting her rich and happy valleys, to command the resumption of a policy which has been too long suspended; to overrule both the votes and the vetoes by which it has been paralyzed; and, by its potent energy, to —

“Bid harbors open, public ways extend;  
Bid the broad arch the dangerous flood contain,  
The mole projected break the roaring main;  
Back to his bounds their subject sea command,  
And roll obedient rivers through the land.”

But where is this system to end, says the honorable member from Alabama, (Mr. Yancey.) Sir, I hope that it is not to end at all. Why should it have any end, as long as the Republic endures, and as long as any thing remains to be done to render its means of intercommunication easier and safer? Why should it not go on? We cannot do every thing at a stroke. Our annual appropriations must be limited to the standard of our annual resources; but why should not one or two millions of dollars be annually applied to the prosecution of a system of improvement coextensive with the whole country? The national government is not, indeed, called upon to do every thing of this sort. We shall all concur in the doctrine laid down by Mr. Calhoun, at the late Memphis Convention, “that whatever can be done by individuals, they ought to accomplish; and that whatever is peculiarly within the province of the States, they should effect.” But we shall all, I trust, concur with him, also, in his third position, that “whatever is essentially within the

control of the general government, it should accomplish;" and that without any qualification, either as to time or cost. Individuals and States are doing their share of these great works, according to their ability. Massachusetts has already no less than seven hundred miles of railroad in successful operation within her own limits; and her capitalists are, at this moment, largely engaged in extending similar facilities of transportation and travel into far distant regions of the Republic. She asks nothing of the national government for any internal improvement of her own. But in the newer States of the West there is more to be done, and far less ability for doing it; and it is their interest, above that of all others, to hold the nation to the discharge of its full responsibility on the subject. It is a disgrace to our country, that their magnificent rivers and lakes have been so long neglected, and that they should have been suffered to be the scenes of such vast sacrifices of property and of life, from year to year, for want of a little seasonable and efficient legislation. Let me not call them their lakes and rivers; they are ours, as much as theirs. We claim an equal right, and an equal interest, in them all; and we unite in demanding for them the prompt attention and persevering action of the only government, whose powers, and whose resources, are adequate to their improvement.

But we are told that the measure under consideration can only be carried through by a corrupt system of log-rolling. Gentlemen saw no corruption in the log-rolling which was avowedly resorted to, last year, between the friends of the "reannexation of Texas," and of the "reoccupation of Oregon." They descry nothing but patriotism and purity in the log-rolling which seems about to be employed now, between our own administration and that of Great Britain, for breaking down our American tariff. But when a large majority of the members of this House are found abandoning all mere party considerations, and uniting together in the support of measures which are not more calculated to advance the special interests of separate localities, than they are to promote the general advantage of the whole country, why, then, forsooth, they can see nothing but corruption.

Mr. Chairman, nothing of real value to this Republic ever has

been, or ever will be, effected, without some degree of that sort of combination which is thus stigmatized as log-rolling. Mutual concessions, reciprocal benefits, compensation and compromise, have been the very laws of our existence and progress. Wherever common dangers have been averted, common wrongs redressed, common interests promoted, or common principles vindicated, it has been by a system of log-rolling. It was log-rolling which achieved our independence. It was log-rolling which established our Constitution. And the Union itself is nothing but systematic log-rolling under a more stately name.

Doubtless such combinations may sometimes proceed from corrupt or unworthy considerations; but when the objects at which they aim are of such clear and unquestionable importance, and of such public and general utility, as those which are now before us, these unmannerly imputations upon motives may, I think, well be spared. For myself, certainly, I have heard of but one overture which would seem to countenance any such imputations in the present instance; and that was contained in a suggestion, thrown out from the other side of the House, some days ago, that the passage of this bill was an indispensable condition for securing the votes of the Western States, for the overthrow of a protective tariff. Such a suggestion would seem to imply, that votes are relied upon for this bill upon other grounds besides its own merits, and to be given with a view of promoting the success of a policy wholly disconnected with it, both in form and in substance. This is a species of log-rolling, Sir, which I shall leave others to justify.

The overture to which I have alluded is, however, Mr. Chairman, obviously susceptible of more than one application. It plainly suggests a course of proceeding for saving, as well as for overthrowing, the existing tariff. It says to our side of the House, "defeat this bill and the tariff shall be preserved," as distinctly as it declares to the other side of the House, "pass this bill and the tariff shall be destroyed." For one, I will act upon no such idea. Believing this measure to be eminently expedient and just, it shall have my vote, without regard to the probable action of others upon other and independent measures. The Whig members of this House occupy a proud position in refer-

ence to the best interests of the country at the present moment; and I trust we shall maintain it without wavering. The friends of the Administration are in a state of manifest distraction and division. One portion of them are looking to us to unite with them in preserving the peace of the country. Another portion of them are looking to us to aid them in accomplishing their cherished plans of public improvement. Let us be true to ourselves and to our principles, in both cases. Let us join hands with the South, in maintaining an honorable peace with foreign nations; and with the West, in carrying out these great measures of domestic policy. If the tariff, in the end, be overthrown; if the revenues of the country, under existing circumstances of public debt and public danger, be cut off; if the Labor of the country be deprived of its wages and its work; let an unmixed responsibility rest upon those, by whom a step so fatal shall have been taken.

# THE WANTS OF THE GOVERNMENT

AND

## THE WAGES OF LABOR.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, JUNE 25, 1846.

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MR. CHAIRMAN,—

IF I had succeeded in getting the floor at an earlier hour yesterday, I should have been tempted to reply at some length to the honorable member from Louisiana, (Mr. Harmanson,) who addressed the committee in the course of the morning. I confess that I was a good deal astonished to hear so wholesale an attack upon the existing Tariff from that particular quarter. I had thought that if there were any product of our country which required and received the highest measure of protection, it was the staple product of the honorable member's own State. I had thought that if there were any port in the Union, which had profited more than another, of the vast internal trade which the existing Tariff has aided in building up, it was the port of his own proud metropolis.

But the honorable member founded his objections to the existing Tariff, very prudently, on certain alleged injurious influences in other parts of the country, and not on any which had come within the sphere of his own observation and experience. And one of the topics of his severest animadversion was the enormous dividends of the Eastern manufacturers.

Now, I will not weary the committee with details, which have often been recited, to prove that the average profits of the East-

ern manufacturers have been as low as those of persons employed in any other line of business, and probably a good deal lower than those of the Louisiana sugar planter. But I do desire to present to those who are continually harping on this string,—not excepting the Secretary of the Treasury, who has touched it somewhat rudely in his annual report,—a plain practical test of the truth and justice of this charge.

The manufacture of cotton is not, like the culture of cotton, necessarily a local business. There is excellent water-power, and an abundance of human labor, all over the country. Numerous cotton-mills have already been established in the Southern States. In Virginia, in North Carolina, in Georgia, the hum of the spindle is beginning to be a familiar sound. Even in South Carolina, I believe, it is not altogether unheard. My honorable friend from South Carolina, (Mr. Holmes,) smiles. Sir, I remember seeing in a newspaper, for which I was indebted to his own politeness, a call for a meeting, to be holden on the 17th of June, in one of the districts of South Carolina, last year, for the double purpose of celebrating the battle of Bunker Hill and taking measures for building a cotton-mill! The persons who called that meeting, it seems, understood the patriotism, as well as the policy, of establishing domestic manufactures. They had not forgotten the resolution which passed the British Parliament a few years before the battle of Bunker Hill was fought, "That the erection of manufactories in the colonies doth tend to diminish their dependence on the mother country." I heartily hope that this spirit will spread. I believe it is spreading, and that, half a century hence, our country will be as remarkable as a cotton-spinning country, as it is now as a cotton-growing country.

But what I wished particularly to say was this;—that if it be not quite convenient, just yet, for our Southern friends to try the experiment of these enormous dividends on their own ground, they can easily have an opportunity elsewhere. The stocks of these New England factories, which are so much complained of for doing so good a business, can be had on the Boston Exchange every day in the week. They may be purchased, either at public auction or at private sale, by any one who

wishes to buy. And, what is more remarkable, Sir, not a few of them may be bought below par. I have here a price current of a few weeks ago, which gives the rates of the actual sales of the day, and from which it appears that almost any of these stocks may be had at a small advance, many of them at par, and not a few below it. Here they are: The Appleton mills, the Lawrence mills, the Thorndike mills, the Lowell mills; you may take shares to suit yourselves, and come in for scot and lot in all their exorbitant earnings.

Before you determine to do so, however, you will, perhaps, be disposed to propound to yourselves some such questions as these: — Can it be true, that stocks which can be purchased at such rates, can yield, uniformly and certainly, dividends so enormous? The Yankees are sharp enough, Heaven knows, at a bargain; would they be likely to sell, for a thousand dollars, that which would give them a regular and reliable interest on two or three thousand? Must it not be, on the other hand, that the great profits which are so much harped upon, are only the exceptions to the general rule; and that the average earnings are, after all, only a fair interest on the investment? And is there, too, any real monopoly about a business which any one can take a share in, who pleases? Can we, while it is in our power to build cotton-mills for ourselves, or to buy into those which are already established, complain of the system which protects them from a ruinous foreign competition, as so very grievous and grinding an oppression?

If the honorable member from Louisiana would ponder a little upon these interrogatories, I am sure he would be less violent in his denunciation of these enormous dividends.

But I have not come here, this morning, to reply to the honorable member from Louisiana, or any one else, but rather to say something on my own account. It is well understood that the bill under consideration was ordered to be reported to the House by a vote of five to four in the Committee of Ways and Means. As the majority of the Committee did not think fit to accompany the bill with any written explanations of the views with which it was prepared, it would, of course, have been inappropriate for the minority to make any report. But as one of that



minority, I desire to take this occasion to give my reasons for opposing the bill in committee, and for continuing that opposition in the House.

Undoubtedly, Mr. Chairman, the first great object of all our tariffs should be to provide revenue for the support of the government. There are no terms in which this principle can be asserted, too absolute and too unqualified to meet my ready and cordial assent. I agree to the proposition in the form in which it has been stated by the Secretary of the Treasury in his annual report, "that no more money should be collected from duties on imports than is necessary for the wants of the government, economically administered." And I agree, also, to the converse of the proposition, as more emphatically pressed upon our consideration by the existing circumstances of the country, — that as much money as may be necessary for those wants ought, if possible, to be thus collected.

In a time of war, like the present, more especially, an ample revenue should be the primary aim and end of all our custom-house duties. To replenish the national treasury, to sustain the public credit, and to make seasonable and sufficient provision for meeting the manifold expenses which are incident to a state of war, is as essential to the vigorous and successful prosecution of that war, as the mustering of fleets and armies. And that Administration will have done but half its duty to the country, in the present condition of its foreign affairs, which, looking only to men and munitions, shall fail to advise, —

"How War may, best upheld,  
Move by her two main nerves, iron and gold,  
In all her equipage."

I need not say, that I deeply deplore the occurrence of the war in which the country is involved, I have had neither part nor lot in the policy which has occasioned it, but have opposed that policy, from beginning to end, to the best of my ability. I voted for the bill recognizing the existence of the war, and authorizing the employment of men and money for its prosecution, with unfeigned reluctance and pain. The day can never be when I can vote, without reluctance and without pain, for any bill,

under any circumstances, which looks to an issue of battle and of blood. I feel deeply that such conflicts are unbecoming civilized and Christian men. Not even the brilliant exploits of our troops at Palo Alto and Resaca de la Palma, though they may fill me with admiration for the bravery of those who achieved them, can dazzle me, for an instant, into the delusion, that such scenes are worthy of the age in which we live.

There was phraseology, too, in the bill which I would gladly have stricken out. Indeed, the question was one on which it was impossible to give an altogether satisfactory vote, and I have nothing but respect for the motives, and sympathy in the general views, of those who differed from me on the occasion.

But I believed when that bill was before us, and I believe still, that the policy of the Administration had already involved us in a state of things which could not be made better, which could not be either remedied or relieved, by withholding supplies or disguising its real character. And I will say further, that while I condemned that policy as heartily as any of my friends, while I condemned both the policy of annexation as a whole, and the movement of our army from Corpus Christi as a most unnecessary and unwarrantable part, I was not one of those who considered Mexico as entirely without fault.

Sir, I will do the Administration the justice to say, that, in my judgment, it adopted a highly honorable and conciliatory course, in proposing to send, and in actually sending, a minister to Mexico. I said this privately, when the fact was first announced in the President's annual message, and I will not hesitate to say so publicly now. And I do not think that Mexico stands justified upon the record, for the rejection of that minister. There is much in the published correspondence to warrant the idea, that her distinction between a minister and a commissioner was a mere after-thought, intended only to cover a virtual retreat from her agreement to enter upon negotiations; and while I am ready to make large allowances for her conduct, in consideration both of the provocation which she had received, and of the distracted state of her domestic affairs, and while I would by no means be understood to vindicate the justice of the declaration, that "war exists by the act of Mexico," I cannot yet hold

her discharged from some share of the responsibility for the rupture which has ensued. Still less can she be acquitted of all responsibility for the continuance of the war, in case she shall persist in declining the overtures which have again been distinctly held out to her.

Mr. Chairman, I plead guilty to something of an extreme jealousy in regard to the faith, and even the forms, of diplomatic intercourse. Missions, mediations, arbitrations, negotiations of every sort, are the select and sacred instruments of peace. They are the only instruments upon which we can rely for the amicable adjustment of international disputes. And, as a friend of peace, I am for holding to a strict accountability every nation which shall trifle or sport with those instruments; much more, which shall discard them altogether. I will hold my own country to that accountability as soon as another. I do not forget the bad example she has recently exhibited to the world, in rejecting the proposition of Great Britain for an arbitration upon the Oregon question. Even the sincere joy which I feel at the honorable and peaceable settlement of that question, is alloyed by the remembrance, that this unreasonable rejection of arbitration must remain, an indelible fact, on the pages of our history. It was somewhere said, not long ago, that Oregon was the last spot on the face of the globe, of which the original discovery and proprietorship was in dispute. The map of the world is now filled up. And would it not have been a cheering circumstance to the friends of humanity and peace, if, on the deed of partition of that one last spot of disputed territory, there could have been inscribed, in characters which the world might read forever, the concurrent and cordial testimony of two of the most powerful and civilized nations of the earth, in favor of a mode of settling international disputes, so reasonable and so righteous as arbitration? There is not the slightest reason to imagine, that the result of such a course would have been less favorable to our pretensions than that which has now been accomplished. But even if it had been so, the difference of a few acres of land would, in my judgment, have been unworthy of consideration, in comparison with the honor of such a proceeding to ourselves, and the priceless influence of such an example upon the world.

But enough of Oregon, and enough of the causes of the Mexican war. The war exists. It is to be prosecuted, as the President has assured us, for no purpose of aggression or conquest. He stands solemnly pledged to the country and to the world, by reiterated declarations, that he will be "prepared to renew negotiations whenever Mexico shall be ready to receive propositions, or to make propositions of her own;" and that he will be "at all times ready to conclude an honorable peace, whenever the Mexican Government shall manifest a like disposition." The honor of the Executive, and the honor of the nation, are committed to the fulfilment of these pledges; and as long as I shall perceive nothing in the conduct of the Administration inconsistent with their fulfilment, I shall not withhold my vote from any reasonable supplies which may be called for. I shall vote for them, not for any purpose of plunder or aggression—not to enable our fleets to conquer California, or our armies "to revel in the halls of the Montezumas," but to enable the President to achieve that honorable peace, which he has solemnly promised to bring about at the earliest possible moment. My motto will thus be that of my own honored Commonwealth,—*"Ease — quietem."*

But until this result shall be accomplished, Mr. Chairman, as God grant it speedily may be, it is the bounden duty of the Administration and its friends, to arrange a system of taxation commensurate with the exigencies which they have created. And if this bill were really adapted to such an end; if it held out a reasonable assurance of increasing the revenues and sustaining the credit of the country; if, more especially, it presented the only, or even the easiest and most obvious, mode of supplying the wants of the Government, I should hesitate much and long before interposing any objection to its passage.

The bill before us, however, was prepared for no such purpose, and will produce no such result. It was prepared, as everybody knows, long before any war with Mexico was heard of, and while the President was still congratulating the country that the annexation of Texas had been "a bloodless achievement." It was prepared originally, I fear, with no higher purpose than to conform to those party pledges, to which my honorable friend from

Georgia, (Mr. Seaborn Jones,) who opened the debate, so directly and so frankly appealed in its behalf. It will be carried through, if at all, by the mere force of party cohesion and allegiance. And its result, if it ever goes into operation, will be, as I firmly believe, to deprive the Government of no inconsiderable part of the revenues which it is now enjoying. I declare to you, Sir, that if I desired to cripple the Administration; if I saw reason to think that all its solemn professions of moderation in relation to Mexico were hypocritical and hollow, and that it was bent on a campaign of ruthless aggression and aggrandizement; and if I desired, as I should in such a case most heartily desire, to sever, at a blow, the very sinews of so abhorrent and monstrous a movement, I would do all in my power to speed the passage of such a revenue bill as this.

My first and leading objection to this bill, therefore, is, that it will be destructive to the revenue. My first and strongest complaint against the present financial movement is, that at a time of war—at a time when considerations of patriotism call for the amplest provision for replenishing the treasury—at a time when it is peculiarly incumbent on the party, by whose aggressive policy war has been brought upon us, to make arrangements, at any sacrifice of mere party expediency, for meeting its expenses; that it is proposed, at such a time, to break up a system of duties upon imports, which has yielded, and is yielding, a rich and reliable income to the treasury, in order to substitute a merely experimental tariff; framed in defiance of all the best example of other countries, and all the best experience of our own; and which, in the judgment of not a few of our most sagacious and practical financiers, will depress our industry, derange our currency, cut off the revenues, and go nigh towards involving both the Government and the people in bankruptcy, within eighteen months from the time it takes effect.

Let me not be misunderstood or misrepresented. I am not here to maintain, that the existing tariff is yielding enough for all the present wants of the country. I do not forget that we have a debt of seventeen millions already incurred, and that there is an estimated deficiency of nineteen millions more for the service of the approaching fiscal year. I am quite ready to admit,

that it is incumbent on the party in power, to make some provision for increasing its resources. And upon them must rest the responsibility for originating such a provision. But any practical economist would tell you in ten words what that provision should be. An issue of eight or ten millions of treasury notes, and a moderate specific duty upon tea and coffee, would answer the whole purpose; and they are the only measures which can do so. Not a twenty per cent. *ad valorem* duty on tea and coffee, to be put on and taken off at the discretion of the President, or to be levied during the uncertain period of the war. Nothing could be more absurd or frivolous. The time at which the duty should begin and end should be fixed, and the term of its duration should be long enough to outlast the stock of these articles now on hand, or the duty will be a mere nullity. A term of less than two years, commencing on the 1st of September, would not be sufficient to make the measure effective. The duty, too, must be specific, or it will hardly be worth laying. An *ad valorem* duty of twenty per cent. upon both articles would scarcely yield two millions of dollars a year, while a specific duty of four cents a pound upon coffee, twenty cents a pound upon green tea, and fifteen cents a pound upon black tea, (rates less than those which formed a part of our permanent revenue system a few years ago,) would insure you a round sum of seven or eight millions a year. *Ad valorem* duties upon teas, as indeed upon most of the other articles to which they are applied in this bill, will be attended with all manner of inequalities and frauds in their collection, and will be injurious alike to the interests of the Government and the honest importer. The experience of the whole commercial world condemns them. The commerce of our own country, with one voice, deprecates them. Even the highest free-trade authority of England testifies against them. Turn to the celebrated Parliamentary Report of Mr. Hume, in 1840, and read what is said of them by two of the principal witnesses.

Dr. Bowring states, (British Report, p. 61,) that the German Commercial League or Customs Union levy all duties by weight, except on four articles, — corn, seeds, wool, and stone. He says the principal disadvantage of the system is, that it imposes the

heaviest duties on the coarsest articles. But when asked whether he would abandon the system on this account, he says "No; it is the simplest and most efficacious, because there is no officer, however uninstructed, who cannot easily apply the system; and because it is least liable to evasion."

John Dillon says, (p. 221,) "The fairest mode of levying a duty, theoretically, is upon the value; but to that, very great practical objections lie. It is exposed to evasion, and is constantly evaded. It is admitted almost by all, and few attempt to deny, that when they make returns of value, they make false returns; it is done in the most open and undisguised manner."

*Ad valorem* duties involve, moreover, this hardship both on the importer and on the consumer of the articles on which they are levied, that they increase as the price increases, and thus render dear articles dearer. In this way, too, they aggravate the causes which may at any time be in operation to diminish importation and revenue, while specific duties continue the same in all fluctuations of price.

The Secretary of the Treasury lays great stress on the fact that more than half the revenue was collected last year from *ad valorem* duties. Well, Sir, I suppose that if this bill takes effect, the whole revenue of next year will be collected from *ad valorem* duties, and for the conclusive reason, that there will be no specific duties in operation. But neither the one fact nor the other can prove any thing to the Secretary's purpose. He states, with an air of triumph, that the revenue from *ad valorem* duties exceeds that realized from specific duties, although the average of the *ad valorem* was only 23.57 per cent., while the average of the specific was 41.30 per cent. From these premises he draws two conclusions; first, that *ad valorem* duties are better than specific; and, second, that lower duties increase the revenue. Nothing could be more absurd than these inferences. Even the premises are not correct. The Secretary has included among the *ad valorem* duties the cotton minimums, which are virtually specific duties. He has omitted, too, all allowance for the specific duty on wool. Transfer the duties received on cotton goods and half the duties on wool to the other side of the account, and the revenue from specific duties will exceed that

From *ad valorem* duties. But even if the premises were correct, the conclusions would be preposterous. The whole amount of the matter is, that, during the last year, the importations of articles subjected to *ad valorem* duties were nearly twice as large as of those subjected to specific duties. According to the Secretary's tables the value of the former was \$60,191,862, and of the latter \$34,914,862. And the fact that as much revenue was derived from the latter amount of importations under high specific duties, as from the former under low *ad valorem* duties, — instead of proving that *ad valorem* duties are better than specific, or that low duties increase revenue, — would seem, to common apprehensions, to prove precisely the reverse. Certainly, Sir, everybody must admit that the duty which produces a revenue of about fifteen millions on an import of about thirty-five millions, is more effective, than the duty which requires an import of sixty millions to produce the same result.

But let me return from this digression. I have said that an issue of Treasury notes, and a moderate specific duty on tea and coffee, are the only measures which can be relied on for supplying the exigencies of the present moment. Sir, I have no fancy for these measures in the abstract. A tax upon tea and coffee, I know, will be odious. But I greatly prefer such a duty to that scheme of direct taxation which has been proposed by one of the friends of the Administration from Tennessee, (Mr. Andrew Johnson.) I greatly prefer such a measure, too, either to sacrificing the public credit, or to plunging the country deeper and deeper into debt. And if the tax be odious, Sir, upon whom should the odium rest, but upon those who have occasioned the necessity for its imposition?

At all events, believing, as I do, that no other measures adequate to the exigency can be devised, I am willing to say, that if the friends of the Administration will take the responsibility of bringing forward such measures as these, to be of limited duration, and for the single purpose of defraying the expenses of the war, and if the tariff in other respects shall be left undisturbed, I, for one, am ready to vote for them; but not otherwise. In other words, I will vote for a duty on tea and coffee to supply the wants of the Government, but not to eke



out the insufficiencies of an experimental *ad valorem* tariff. I will vote for such a duty to enable the Government to prosecute to an honorable conclusion a war upon a foreign enemy, but not to enable it to carry on, indefinitely and wantonly, a war upon our domestic industry. I will vote for such a duty to sustain the doctrines of free trade, in that old, original, genuine, patriotic sense, in which it was associated with "sailor's rights;" but not to sustain that spurious free trade of modern years, which is never destined to be associated with any thing but the laboring landmen's wrongs!

But, while I thus admit that some additional provision for supplying the wants of the Government at the present moment is necessary, I do, at the same time, deny that there is any shadow of reason for changing the existing duties, on articles now dutiable, for that purpose; or that this purpose can possibly be so effected. I maintain, on the contrary, that the present tariff has yielded, and is yielding, as much as any tariff can be made to yield, which does not include a duty on tea and coffee, or impose higher duties; and that, especially, it yields far more than the bill before us is likely to do in the long run, even with the ten per cent. *ad valorem* on tea and coffee which it already contains.

Mr. Chairman, the tariff of 1842 has proved itself to be what its framers and friends originally declared that it was. Whatever else may be truly or falsely said in relation to that act, it cannot be denied, that it was passed in the year 1842 as a revenue measure, and that it has practically fulfilled, from the time when it had got fairly into operation to the present moment, this great original end of its enactment.

Nobody can have forgotten the circumstances under which it was adopted. The net revenues of the country, during the year ending the 30th of September, 1842, derived from the duties on imports, as arranged previously to the passage of the existing tariff, were only about twelve and a half millions. This sum was, by all confession, utterly inadequate to defray even the current expenses of the Government. A considerable public debt was already incurred. The credit of the nation was seriously impaired. Treasury notes were at a discount, and loans could neither be negotiated at home nor abroad.

Under these circumstances, a general sense of the necessity of adopting a new system of duties for raising revenue pervaded the country, and the tariff of 1842 was the result. It was framed, certainly, not without distinct reference to the encouragement of domestic industry. Nobody will deny that. If the early custom of prefixing to the acts of the national legislature, preambles, setting forth the object and occasion of their enactment, had not passed away, the tariff of 1842 might justly have been introduced to the country by the same memorable preamble which is found at the head of the first revenue law on our statute-book. Like the tariff of 1789, it looked to the *trinoda necessitas* of "supporting the Government, discharging the debts of the United States, and encouraging and protecting manufactures."

Its primary purpose, however, was revenue. It was arranged by the Secretary of the Treasury and the Committee of Ways and Means of the time being, with that particular view. Many of the duties which have been most commonly carped at, were adopted with no other view. The duties on silk goods, for instance, were fixed in conformity with the wishes of the importing merchants, so as to produce the largest revenue with the least liability to fraud. The duties on cotton manufactures, also, were raised above the standard which was demanded by the manufacturers for their protection, with the single view of increasing the revenue.

And now, Sir, I repeat, that this much-abused tariff of 1842 has accomplished its great revenue purposes with the most signal success and certainty. Like all other new systems of the sort, it required some little time for getting fairly into operation, and for developing its real character and tendencies. And within the first twelve months of its operation, its opponents were not without color for their confident predictions, that it would fail of its end as a revenue measure. But further experience confounded all such predictions; and those who had at first denounced it on the ground that it would produce too little revenue, were soon heard condemning it, with equal confidence and increased violence, on the ground that it was producing too much. This last apprehension, however, soon shared the fortune

of the first, and the act has gone on, fulfilling every promise of its friends, and falsifying every foreboding of its foes, and yielding uniformly just about enough, and neither more nor less than enough, for the ordinary purposes of a state of peace.

The net revenue which it produced for the year ending June 30th, 1844, was \$26,183,570.94; and for the year ending June 1845, \$27,528,112.70.

The Secretary of the Treasury, whose wish has evidently been the father of his estimates, has indeed predicted, in his annual report, a large falling off in the revenues of the present year. But the result thus far has shown that his predictions were unfounded. Instead of \$24,500,000 for the whole year, we have an ascertained receipt of \$20,411,915.42 for the three first quarters, with an estimate of \$6,200,000 for the last quarter, ending on the approaching 30th of June, making an aggregate of \$26,611,915.42 for the whole year, being more than two millions more than was estimated by the Secretary.

And here I cannot but remark on two circumstances, which speak volumes in favor of the skill with which this Tariff was framed, and of the success of its practical operation. The one, the uniformity of its results for three years in succession; the other, its almost exact accomplishment of the calculations of its friends. It was estimated by Mr. Appleton in this House, and by Mr. Evans in the Senate,—gentlemen to whom the country has often since been indebted for the clearest exposition and vindication of the principles on which it was framed,—that it would yield an average annual revenue of from twenty-six to twenty-seven millions. Its actual yield has been—

In 1844	.	.	.	.	.	\$26,183,570.94
1845	.	.	.	.	.	27,528,112.70
1846	.	.	.	.	.	26,611,915.42

And now, who shall undertake to say that this was not a revenue measure? What other definition is there of a revenue measure, than "one which shall yield, uniformly and certainly, the revenue required?" May we not demand from the opponents of this measure, henceforth, the frank acknowledgment, that it was in its nature, as we all know it was in its design, a revenue tariff? Must not the whole people of the country here-

after admit, that protection and revenue, instead of the "one beginning where the other ends" — instead of being in a state of irreconcilable and eternal conflict with each other, may go along hand in hand together; scattering benefits and blessings at once upon the Government and upon the people?

Mr. Chairman, they not only may, but they must go along together, or no such beneficial result can be produced. I have proved that the tariff of 1842 was emphatically a revenue measure. I have admitted, also, that it was a protective tariff. And now I maintain, further, that it was a revenue tariff, for the very reason that it was a protective tariff. You may talk as much as you please about your revenue standards. You may construct your ingenious theories to your heart's content, about the abstract incompatibility between revenue and protection. Such things may sound well in a speech. They may read well in a report. They may even receive some shadow of support, or color of confirmation, from the operation of duties upon single and selected articles of import; or from the experience of other countries differently situated. But the moment you put them in practice in the construction of an entire system — the moment you apply them in full to the aggregate imports of this young America of ours, they will prove to be utterly fallacious and fanciful. The whole experience of this country shows that a revenue tariff, in the free trade sense of the term, is about as fitly named as *lucus a non lucendo*. It will yield no revenue, or none certainly, either adequate to the wants of the Government, or correspondent to the calculation of its friends. The real revenue tariff is the reasonable protective tariff. And the cause is as obvious as the fact is undeniable.

Sir, the productiveness of a revenue system depends not on any abstract principles, or arbitrary arrangement of duties, but on the ability of the people to import, and pay for, whatever they want from abroad. The consuming ability of the people is what constitutes or causes the great difference between the operation of one tariff and another tariff, or between the operation of the same tariff at different periods. And those who should undertake, because the tariff of 1842, with high protective duties, yields an average income of \$26,000,000, to lower those duties

and diminish that protection for the purpose of effecting larger importations and a larger revenue, belong to the same school of financial wisdom with the lad in the fable, who ripped open the goose that was laying the golden eggs.

Let me fortify this position by an authority from a source which the free trade gentlemen of the House ought to be the last to undervalue. They are accustomed to derive most of their arguments and illustrations from the mother country. Whatever jealousy they may entertain of British example or British doctrine on other points, — on the subject of the tariff, they bow implicitly and deferentially to both. Even the American Secretary of the Treasury's report seems to lack its essential authentication and indorsement, unless it has been printed and praised (like that of Mr. Walker) in the two Houses of the Imperial Parliament.

Now, Sir, I have here an extract from the London Banker's Circular, of the year 1840, which expresses the doctrine I have asserted in the best possible phraseology, and I commend it to the attentive hearing of the friends of the present bill :

"The prevailing delusion and mistake of all alike, is a desire to extend exports, overlooking, or apparently ignorant of the fact, that whenever the export exceeds the value which the import will realize, the excess of export must necessarily resolve itself into *minus* in some way or other.

"It is the amount which the aggregate imports into any country may realize, that constitutes the means of reciprocal and beneficial exchange; and the amount which the imports will realize, depends entirely on the condition and power of the community at large to consume. The primary object of the government of every country should be, to devise means of enlarging the power of consumption by an adequate remuneration for labor."

Here is contained, as in a nutshell, the sum and substance of the whole matter. Here is touched, as with a needle, "the prevailing delusion and mistake" of the economists whose views are represented by the present Secretary of the Treasury. Here are contrasted, as in a picture, the sound principle on which the tariff of 1842 was constructed, and to which it owes its success, — the principle of "enlarging the power of consumption by an adequate remuneration of labor," — and the fallacy on which the bill before us is founded, — "the desire to extend exports."

This bill is based, indeed, upon a series of delusions, — a perfect stratification of fallacies. The foundation fallacy of the

series is that which I have already named — that the great and only desideratum for the prosperity of this country is to increase its exports. As if domestic consumption and domestic exchanges were not worth thinking about! As if the home trade of every country were not incomparably more important than its foreign trade!

The second fallacy in the ascending scale, is, that in order to increase the exports of the country, it is only necessary to increase its importations. As if the characteristic feature of American trade, from 1790 to the present day, had not been an inordinate excess of imports, — an excess amounting to more than 766,000,000 of dollars in a term of fifty years! — making an average of more than fifteen millions a year! As if other nations would always be willing to take their pay for these importations in corn and cotton at remunerating prices, and would never call upon us for a balance in specie!

The third and fourth fallacies in the series, are, that the only thing needed to secure an increase of importations at any time, is a reduction of duties; and that the consequent increase of importations will be so certain and so great, that the reduction of the duties will result in a positive enlargement of the revenue.

Mr. Chairman, in this whole concatenation of assumptions, the great laws of supply and demand, and the essential idea that the consuming ability of other countries and of our own, must ultimately be the measure of what they can receive from us, and of what we can take from them, — are left wholly out of view. And a system of this sort, instead of "enlarging the power of consumption, by an adequate remuneration of labor," must inevitably diminish that power of consumption by depriving labor of its just rewards.

Look, for a moment, at the details of the very bill under consideration, and see if it be not so. The bill aims at an increase of importations, and the printed estimates of Mr. Walker look to an aggregate increase to the amount of about fifteen millions of dollars. Now, nobody can imagine that we are to consume fifteen millions of dollars' worth more than we did last year and the year before. Those were years of the greatest prosperity and of the largest consumption, and we shall do well if we are

able to consume as much, for many years to come. This increased importation, therefore, can only find a market by interfering with our own productions, and taking the place of similar fabrics of domestic industry. This, indeed, is the very view of the Secretary of the Treasury. He gives as a reason, in his annual report, for reducing the duties, that the revenue has declined, owing to "the diminished importation of many highly protected articles, and the progressive substitution of the domestic rivals." He is now for reversing this substitution. He is for supplanting these domestic rivals in our own market, by the reintroduction of the foreign fabrics. And what must be the result? Why, clearly, Sir, that the capital invested in them must be rendered unproductive, and the labor employed in them thrown out of work. And just to the extent that this is accomplished, the general prosperity of the country must be checked, and its consuming ability diminished.

But let us examine some of the items of which this aggregate increase of importations is made up, and see what branches of labor are to be thus supplanted. I read from the printed estimates prepared by Mr. Walker himself. In the first place we are to have, under the bill as it now stands, an increased importation of brandies, spirits, and cordials of all sorts, to the amount of \$365,000 a year, being \$1,000 worth for every day in the year. Since the bill was framed, however, the Secretary seems to have discovered that a reduction of duties will not always increase the revenue, and he has proposed to increase the duties on brandy and spirits to provide means for carrying on the war. He thus first lowers and then raises the duties on the same articles, and all for increasing the revenue! He leaves them still, however, much lower than under the tariff of 1842, and estimates an increased importation of \$300,000 worth of brandy and spirits. But he has proposed, at the same time, to reduce the duties on cordials, and after estimating an increased importation of them to the amount of \$25,000 as the result of raising the duty from forty-one to seventy-five per cent., he now estimates an increased importation to the amount of \$100,000 as the result of reducing the duties to forty per cent! A change of one per cent. is thus to produce an increased importation of

cordials to the amount of \$100,000! Thus, if his war schedule shall be inserted in the bill, we are to look for an increased importation of all these articles to the amount of \$400,000 per annum. Add to this an estimated increase of importation of wines of all sorts, to the amount of \$500,000, under the absurd system of *ad valorem* duties, (never more absurd than when applied to articles like wines,) and the temperance view of this new democratic tariff is complete. I commend this to the Washingtonians.

Let us look, however, at the items which affect the labor of the country more directly.

Here is an estimated increase of importation of \$1,185,000 worth of iron, in pigs, sheets, bars, bands, rods and hoops.

Here is an increased importation of sugar and molasses and syrup of molasses of \$630,000.

Here is an estimated increase of importation of \$2,000,000 of the various manufactures of wool and worsted, and of \$200,000 of raw wool.

Here is an estimated increase of importation of cotton manufactures to the amount of \$5,150,000!

Here is an estimated increase of importation of \$125,000 of coal and coke.

Here is an estimated increase of importation of cordage of \$170,000, and of various kinds of unmanufactured hemp of \$105,000.

Here is an increased importation of salt to the amount of \$1,000,000!

Here is an estimated increase of the different kinds of cotton bagging of \$300,000; of leather of all sorts, \$100,000; of manufactures of iron, \$206,000, including anvils, and blacksmith's hammers and sledges, and sad-irons, and spikes, and wrought nails.

Then we have \$100,000 of earthen and stone ware; \$100,000 of paper-hangings; \$50,000 of paper; \$50,000 of pins; \$30,000 of buttons; \$100,000 of window-glass; \$100,000 of glass tumblers; \$110,000 of straw hats and bonnets; \$45,000 of silk and leather boots and shoes; \$100,000 of linseed-oil; \$200,000 of *potatoes*; \$2,000 of cheese; and an increased im-



portation of ready-made clothing and wearing apparel, made up or manufactured, in whole or in part, by the tailor, sempstress, or manufacturer; and of articles worn by men, women, and children, made wholly or in part by hand, of \$200,000.

Is it not plain that, if these estimates are to be realized, the American labor which is now employed in these various branches of manufacture and of the mechanic arts is to be deprived of no inconsiderable part of its work and its wages? Is it not plain that, to this extent, at least, it is to be sacrificed to foreign labor? Yes, Sir; supplanted as an unworthy *rival*! that's the Secretary's word. And who is to pay for these increased importations, under these circumstances? This very American labor, which you propose to rob of its birthright, contributes to the revenue of the government by consuming, according to its ability, some portion of the foreign goods now imported. These very hatters, and shoemakers, and tailors, and sempstresses, and iron-makers, and cotton-spinners, and glass-makers, and salt-makers, and all the rest, whom you intend to deprive of a part of their work and of their wages, are now able to purchase, with their surplus earnings, some humble share of the foreign luxuries from which your revenue is mainly derived. But they will be able to do so no longer. How, then, is your revenue to be increased? How is it even to be kept up at the point which it has now reached? The experience of the second and third years, if not of the first, will prove that the thing is impossible. Revenue and protection must stand or fall together. The interests of the government cannot be separated from the interests of the people; and depend upon it, Sir, the party which attempts such a thing, will find that it has only separated itself from the people and the government both.

And yet this proceeding is justified on the idea of lightening the burdens of the poor, and reducing the price of the necessities of life to the laboring classes!

Mr. Chairman, if there be any thing against which the American laborer ought to be on his guard, at this moment, it is the false sympathy, the hollow friendship, the killing kindness of men who are busying themselves about the cost of what he consumes, while they are cutting down the value of what he

earns; of men who amuse him with delusive schemes for reducing his expenditures, while they are employed in diminishing his receipts; of men who dangle the vision of cheaper food and cheaper clothing before his eyes, while they are in the very act of rifling his pocketbook. The whole art and part of certain gentlemen seems to be, to convince the workingman that the price of this or that article of his consumption is raised a few cents by the protecting system. As if the only subject of anxiety with the free American laborer was, "what shall I eat, or what shall I drink, or wherewithal shall I be clothed?" As if wages in this country were to be brought down to the standard of a bare and scanty subsistence! As if nothing was wanted by the laborer for the education of his children; nothing for paying his share of the support of religious worship; nothing to lay up, I do not say merely against a rainy day, but against that sunshiny day, which, by the blessing of God and a sound protecting tariff, is sure to beam on every honest, industrious man among us, when he may enjoy the fruits of his toil in a condition of comparative rest and recreation!

Reduce the wages of labor to the standard of mere subsistence, and the laborer must be a laborer always. The noble spectacle which is so often exhibited in this country, and so rarely in any other, and which, let me say to the honorable member from Louisiana, is quite as often exhibited in the region of the Eastern manufacturers as in any other part of the Union, of what are called self-made men, the printer's boys, or plough-boys, or mill-boys of a few years back, elevating themselves to the highest stations of social or of public life, will be seen no more. You have cut off that hope of bettering his condition, which is the sweetest cordial to the heart of man, and the surest stimulus to industry, economy, and virtue. The one thing needful to the welfare of the laboring man, (temporally speaking, yet not without an incidental reference to things eternal,) is, that he should be able to lay up something. Ask any laborer what he thinks about the matter, and he will tell you that he cares not whether he pays a little more or a little less for his clothes; that he is quite willing, if need be, to pay his brother laborer or his sister laborer a little more for making his shoes or making

his shirt, if you will secure to them both, not merely the means of paying for such things, but the means of making a little deposit, once in a week, or once in a month, or once in a quarter, in that most excellent of all institutions—the Savings Bank.

Now, this is what the protective policy aims at; and this, too, in spite of all assertions to the contrary, is what it accomplishes. Look at this table of the amount of deposits in the Savings Bank at Lowell.

In 1841	.	.	.	.	.	448,190 dollars.
1842	.	.	.	.	.	478,365 “
1843	.	.	.	.	.	462,650 “
1844	.	.	.	.	.	591,910 “
1845	.	.	.	.	.	730,890 “

I have here similar tables, showing an increase of wages in the manufacturing establishments of New Hampshire and Massachusetts, to the amount of twenty, thirty, forty, and even sixty per cent. in some cases, during the last three years. I have authentic information, too, that there has been a similar increase in some of the Maryland mills. And I have no doubt that other gentlemen will furnish similar testimony from other parts of the Union. And yet the Secretary of the Treasury has declared, that there has been no increase of wages at all, but rather a diminution, under the tariff of 1842!

This, Mr. Chairman, I repeat, is what the policy of protection aims at. It looks at the workingman, not in his mere brute capacity of a consumer, but in his higher nature of a producer. It looks not to reducing the price of what he eats or what he wears, but to keeping up the price of his own labor. It looks, in short, to wages first, wages last, wages altogether. Shall the wages of the whole civilized commercial world be equalized and levelled off? This is the briefest, truest, most concise and most comprehensive statement of the question between free trade and protection. The wages of labor—by which is to be understood not merely the wages which are paid by the capitalist to the hired hand, but the wages also which are earned by labor of any kind working on its own account—are now higher in this country than in any other beneath the sun. If any body doubts this,

let him stop the first emigrant whom he meets in the street, and ask him why he came over here, what condition he left behind him, and in what circumstances he finds himself within six months after his arrival? If any body doubts this, let him turn to the Parliamentary debaters, the economical essayists, or even the corn-law rhymers of England, and see what they say as to the condition of the great mass of British operatives. Listen to Charles Buller, in his admirable speech on systematic emigration as the only relief for the pauper labor of his country, while he tells you "of human beings huddled together in defiance of comfort, of shame, and of health, in garrets and in cellars, and in the same hovels with their pigs; of workhouses crowded; of even the gaol resorted to for shelter and maintenance; of human beings prevented from actually dying of starvation in the open streets, or of others allowed to expire from inanition in the obscurity of their own dwelling-places." Listen to him, again, while he gives you an account "of thousands of men, women, and children, congregated together without any regard to decency or comfort in noisome sites and wretched hovels—of those who wear out their lives in the darkness of coal and iron mines, doing what is commonly considered the work of brutes, in a moral and intellectual state hardly raised above that of the mere animal—of the shirt-makers, who get tenpence for making a dozen shirts—and of the fifteen thousand milliners in this metropolis, (London,) habitually working for the scantiest wages in close rooms, always for thirteen or fourteen hours a day, sometimes for days and nights together; nine out of ten losing their health in the occupation, and scores of them falling victims to consumption, or rendered incurably blind whenever a court mourning, or any festivity of particular magnitude, tasks their powers more than usual."

Listen to Samuel Laing, in his prize essay on the causes and remedies of the national distress, while he describes to you those eight thousand inhabited cellars in Liverpool, whose occupants are estimated at from thirty-five to forty thousand persons:

"These cellars are dwellings under ground, in many cases having no windows, and no communication with the external air, excepting by the door, the top of which is sometimes not higher than the level of the street. When the door of such a cellar is

closed, therefore, light and air are both excluded. The access to the door is often so low as not to admit of a person of moderate height standing upright, and there is frequently no floor of any kind except the bare earth."

Go with him from the commercial to the manufacturing towns — to Manchester, Birmingham, and Leeds — and follow him from thence through the agricultural districts, and hear him conclude, as the sum of the whole survey, "that there is a large proportion of the laboring class who are unable to secure a tolerably comfortable and stable existence in return for their labor, and are approximating towards the gulf of pauperism."

It may be, Sir, that the wages of the skilled labor of England will be found to approach pretty nearly to those of the same class of labor in our own country; though I remember finding an anecdote in the speech of a member of Parliament, not long ago, which conflicted even with this idea. In a debate on the corn-laws, a year or two since, Mr. P. Scrope is reported to have said, "that he had that evening met a manufacturer, who told him that he had last year discharged his foreman in consequence of not being able to pay him sufficient wages for the support of his family. That foreman had gone to America, and had written over to say that he was prosperous, that he was receiving double the wages he had had in England, while his expenditures and the price of provisions were two thirds less."

Mr. Chairman, the fact is indisputable. The low price of land and its vast extent compared with the population, the vast amount of work to be done compared with the number of hands which can be commanded on our own soil to perform it, — these and other influences, secure now to American labor a remuneration which no other in the world receives. Shall this state of things, so fruitful of the greatest good to the greatest number, be continued; or shall we, in a fit of universal benevolence, go in for a horizontal scale of wages, and an average condition of labor, the wide world over? Equality of earnings, equality of encouragements, equality of opportunities, privileges, and wages, throughout the length and breadth of our own land, no man would disturb. We desire the establishment of no system which shall benefit or build up one class of our industry, or one section of our country, at the expense of another. But cannot

our democracy be content with equality at home? Is it anti-republican or anti-American, to maintain and protect the superior condition of our own people? Cannot the frenzy of our philanthropy be appeased, until it has accomplished that universal level of labor, which can only be reached by the prostration of our own? Free trade says—no, to this question. The Secretary of the Treasury says—no. The bill before us says—no. Or if they do not dare to say so in terms, they propose and pursue a policy which leads to such a result, with the speed and the directness of a railroad. The policy of protection, on the other hand, says “yes, yes; it shall not be in vain to the working-men of America, that their fathers threw off the colonial yoke, and secured for them a country and a government of their own. Other nations may well afford to enter into a free trade copartnership with us, for their labor has already reached that lowest depth to which there is no lower deep, and from which every change must be for the better. Other governments may afford to institute a free trade experiment on their own account, for they look to the intelligence, the education, and the independence of the few. But our institutions rest on the intelligence, education, and independence of the many. Our institutions rely on a condition of society, which nothing but a high rate of wages can maintain. If our labor be levelled off to the grade of European labor, our liberty must be cut down to the standard of European liberty. The government which looks to the laboring masses for support, must support the laboring masses.”

I may seem to have admitted, Mr. Chairman, in this view, that a protective tariff may raise the value of other things beside labor. Indeed, I expressly maintain, that it tends to secure a better price for agricultural produce, and that it is the only system which, in this country, can secure to that produce any price or market whatever. If gentlemen have any objection to this, let them tell it to the farmers. But as to the idea that it raises the price of the laboring man's clothes—it is utterly untrue. It has been proved again and again, by a hundred price-currents, that the effect of the protecting system has been to reduce, a hundredfold, the cost of the coarse articles of common wear.

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This whole hue-and-cry about higher duties on coarse goods is theoretic. It leaves out of consideration that domestic production which is not merely supplying our own market, but is sending thousands of bales of cotton cloth to Calcutta, in the face of a discriminating duty in favor of its British rival, and is exhibiting the truly oriental spectacle of British drills in American drillings! It is a fact, that the troops of the greatest cotton-manufacturing country in the world are wearing, on the plains of what was once the greatest cotton-growing country of the world, pantaloons and jackets made of American cotton and in American mills! Indeed, it is the exportation of these articles to Calcutta and China which has enabled some of the manufacturers to make those great dividends of which we have heard so much. Now, every schoolboy must understand, that this export trade could not go on for an instant, unless the American drillings were cheaper and better than the British.

Gentlemen on the other side rest all their arguments on the hypothesis that our laboring classes actually wear foreign clothing. They seem to entertain the idea that the American laborer goes out to his work in the morning in a Manchester shirt, a London hat, and a Paris boot! And if he does not now, they are for making him do so at the earliest moment. What a picture! Why, an American working-man would not know himself in a looking-glass, in such an attire. Every body knows that we supply these things ourselves, and supply them at a cheaper rate, and of a better quality, than others would supply them if there were no duty. And we can continue to do so, if we can only keep our own market to ourselves. But even if it were not so, even if the foreign fabrics of this sort could be procured a few cents cheaper, I believe in my soul that the American laborer would scorn such economy. The independent yeomanry of this country will never again be content to be dependent on any other country for the manufacture and making up of their daily dress. They do not understand the democracy, the Americanism, of such wear. The farmers and mechanics are yet to declare themselves, who would not be willing to pay a cent or two more, either for their weekday jackets, or their Sunday suits, for the sake of having them homemade. Such

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clothes, if they were dearer at all, would be *dearer* in more senses of the word than one. They would be associated with that National Pride, of which, even the coldest abstractionist in these halls could not fail to have felt some touches, as he visited the late National Fair; and which, though it may be derided by polificians and economists, is to the common heart above all calculations of moneyed value. They would be associated, too, with that National Independence, which was but half achieved by the arms of our Fathers, and which remains to be consummated by the arts of their sons. The workingmen of this country, I verily believe, if interrogated upon such a point, would answer, as Benjamin Franklin answered at the bar of the British House of Commons in the days of the Stamp-Act:

“What used to be the pride of Americans?”

“To indulge in the fashions and manufactures of Great Britain.”

“What is now their pride?”

“To wear their old clothes over again, until they can make new ones for themselves.”

Mr. Chairman, there are many other points which I had proposed to touch, but I have only time to conclude with the following propositions, which briefly embody all that I have said, and much that I would have said.

I maintain, then :

1. That provision ought promptly to be made for furnishing the government with whatever additional revenues and resources may be necessary for bringing the existing war with Mexico to a just and speedy conclusion, and establishing an honorable peace.
2. That no additional revenue can be relied on from the bill now under consideration, either as originally reported, or with the modifications which have been proposed by the Secretary of the Treasury; but that, on the contrary, the whole experience of the country shows that the operation of such a bill would be materially to diminish the revenue.
3. That this bill is, at best, a mere experiment, and one which, there is great reason to fear, would result in both curtailing the resources of the government, and crippling the industry of the people; and that in adopting an entire system of *ad valorem* duties, it would open the door to all manner of inequalities and frauds, and would be especially oppressive to the honest American merchant.
4. That the tariff of 1842 has proved itself for three years past emphatically a revenue tariff; yielding, with signal uniformity, and in precise correspondence with the calculations of its framers, a net average annual revenue of nearly twenty-seven millions of dollars, and at once protecting the labor and enriching the treasury of the



nation ; and that no substantial modification — certainly no material reduction — of the duties which it imposes, would be likely to yield any thing like an equal amount to the government.

5. That an issue of eight or ten millions of treasury notes, and the imposition of moderate specific duties on tea and coffee, for a short term of years, and for the single purpose of defraying the expenses of the war, are the only measures for increasing the resources and revenues of the nation which can be adopted with any reasonable prospect of success ; and that, unless the administration and its friends intend to take the responsibility of resorting to direct taxation, or of incurring a large national debt, these measures ought to be adopted by them without delay.

## WHIG PREDICTIONS AND WHIG POLICY.

A SPEECH DELIVERED AT THE STATE CONVENTION OF THE WHIGS OF MASSACHUSETTS, IN FANEUIL HALL, SEPTEMBER 23, 1846.

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I SHOULD have preferred on many accounts, Mr. President, to remain still longer a listener on this occasion, and to postpone until a later hour, if not altogether, any remarks of my own. But I cannot hesitate to respond, without further delay, to the unequivocal and cordial summons which has now been made upon me. Indeed, Sir, I am proud to participate, at any time, and in ever so humble a way, in the proceedings of such a meeting as I see before me. The mere presence at it, to those who have been so lately and so long confined to far other company, is a privilege which you and I, at least, know how to appreciate.\* I rejoice to see once more the faces of so many true-hearted Whigs of Massachusetts;—faces, not a few of which have been familiar to me in other years, and in other fields of public or political service;—faces, all of which I may greet as the faces of friends, if there be any thing of truth in the saying of the great Roman orator, that one of the strongest bonds of human friendship is, “to think alike concerning the Republic.”

Nor, Sir, can I find it in my heart to regret that this Convention is assembled here, in this city, covered with memorials of the patriotism of the fathers, and of the philanthropy and munificence of their sons; and in this hall, devoted, from the first, to human liberty, and whose echoes are ever true to the cause to which it was consecrated. And not of liberty alone, much less

\* Hon. Charles Hudson was in the Chair, having just returned with Mr. Winthrop from a protracted session of Congress.

of Boston alone, or of Massachusetts alone, do these venerated columns, or yonder votive canvas, speak to us, but of "Liberty and Union, now and forever, one and inseparable."

We meet this day, Mr. President and Gentlemen, under circumstances of more than ordinary interest. Rarely, if ever, have so many momentous issues been presented at once to our consideration. When we were assembled in this hall last year, the administration, against whose accession to power we had so vigorously but so vainly struggled, had but just entered on the threshold of their career. Their principles and purposes had only found expression on paper or in words,—in the resolutions of some Baltimore convention, in the manifestoes of some mass meeting, or in the hardly more dignified phrases of an inaugural message. We had, then, some reason, or at least some room, for hoping, that their practice might fall short of their professions; that their bite might be less bad than their bark; that they might not be quite willing, or if willing, not quite able, to carry out to their full consummation the plans they had so boldly avowed.

A year of action has since ensued; a year of busy, earnest, varied, crowded, action. Their whole policy has now been practically disclosed and developed. There is scarcely a subject in the whole wide field of national legislation, which has failed to receive the impression, the deep and strong impression, of their ruling hand. Questions foreign and questions domestic, questions of currency and questions of commerce, questions moral and questions material, questions of peace and questions of war, questions of labor and questions of liberty, have been drawn, with startling rapidity, within the sphere of their deliberation, and have received the unequivocal stamp of their decision.

Their acts are now before us. We now know them by their fruits. And it well becomes us to examine those fruits, and to see for whom they are meat, and for whom they are poison.

In pursuing such an examination ever so cursorily, Mr. President, no man who hears me can fail to be struck with the complete coincidence which is found, between the predictions which were pronounced by the Whig presses and the Whig speakers, two years ago, as to the consequences of Mr. Polk's election to

the Presidency, and the facts as they have now occurred. A great poet tells us of—

"Some juggling fiend, who never spoke before,  
But cries, 'I warned thee,' when the deed is o'er."

Not such are the cries, "we warned you," "we warned you," which the Whigs are now everywhere ringing through the land. In the columns of a hundred newspapers, at the corners of a hundred streets, the precise results which are now before us and upon us, were read or heard two years ago, in the language of prophecy, but, as it now appears, with the literal exactness of history. We may, indeed, say with him of old, not a little of whose patience we are called upon to exercise, "the things which we greatly feared are come upon us, and that which we were afraid of is come unto us."

I know, Mr. President, of but a single catastrophe, which was foreboded as the consequence of the defeat of our party at the last Presidential election, which has been in any degree averted. I mean, a war with Great Britain for the Territory of Oregon. And certainly, certainly, I do not underrate the importance of this exception to the general assertion I have made. Nor would I withhold from the administration any measure of credit, which it may deserve, for having saved the country from so unspeakable a calamity. But what degree of credit does it deserve? Who can say, this day, upon his conscience, that it was by the statesmanship, by the moderation, by the wisdom, by the civilized policy and Christian principle of the President, or his cabinet, or the general mass of his supporters, that this result was accomplished? Who, on the other hand, can forget the intemperate and braggart counsels, which brought the two countries to the perilous edge of such a war as never raged before, and which were only restrained, (under God,) by the patriotic firmness and independence of half a dozen of the nominal friends of the administration, seconded and sustained by the great body of the Whigs in Congress? Yes, Sir, the Whigs in Congress, and more particularly the Whigs of the Senate, with our own ever-honored and illustrious Daniel Webster in their front ranks, may claim the true glory of having saved the peace of the country and of the world, in this case; and of having brought

the administration to the necessity, (I will not call it the humiliating necessity, — there is nothing humiliating in abandoning a false course, — it is the highest honor, rather, to any man or any party,) of submitting to an arrangement, to which it had rashly and recklessly declared that it never would submit!

Peace, lasting, and, I hope, eternal peace, between the United States and Great Britain, by the settlement of the only remaining disputed boundary between them; — that very peace, which Shakspeare would seem to have prefigured, when he said, "Our peace shall stand as firm as *Rocky Mountains*," — this has been secured to us; and, for this, the Whigs in Congress, in a hopeless minority though they seemed, may claim no second or subordinate share of distinction. Had they looked only to party ends; had they been willing to embroil the country, for the purpose of embarrassing the administration; had they acted in the spirit, which so many of their adversaries have more than once exhibited in regard to the Ashburton Treaty, I honestly believe that war would have been as inevitable, even as General Cass so often pronounced it. But the policy of the Whigs was Peace; peace in this case, and peace in every other case. And I may add, that they would have preserved it in every other case, also, had it ever depended on their voices or on their votes.

But, with this one exception, the whole catalogue of disastrous consequences, predicted from the election of Mr. Polk, has been fulfilled to the letter.

1. The Sub-Treasury scheme, upon which the people of this country passed sentence of condemnation, in tones so emphatic and unequivocal, in 1840, has been reëstablished. That credit system, upon which the young and enterprising must ever depend so much for getting a start in life, and which, under wholesome regulations, is of incalculable importance to the honest industry of the people, has again been placed under the ban of the national government. From this day forth, every bank-note in the land, without discrimination between the redeemable and the irredeemable, bears a government protest on its face. It may be good enough for the people, but it is not good enough for the office-holders. A new divorce has been proclaimed between the people and the government, and the

decree does not contain even an allowance for alimony. "Let the government take care of itself, and let the people take care of themselves," is again practically avowed as the maxim of a self-styled Democratic administration.

It is true, that the administration has, at present, the hardest part of this bargain. It is clear that the government has not yet made much headway in taking care of number one, upon this hard money principle. Not only has the Sub-Treasury system been again ushered into existence under the salute of an issue of ten millions of treasury notes, but the Executive has notoriously been at work in manufacturing another variety of paper money, through the medium of paymasters' drafts, which is a deliberate and intentional fraud upon the whole design and object of the act. But the principle is none the better, whatever the practice may be. This government was not made to take care of itself alone; and as to the people, the best and only way in which they can take care of themselves — as I trust they will soon understand and signify — is by placing always in offices of authority and trust, men who will watch over their interests, provide for their wants, regulate their commerce, protect their labor, and carry out those great ends of common defence and general welfare, for which the Constitution was at first created.

2. In fit companionship with this act, may be placed the refusal of the administration, through a most odious exercise of the veto power, to coöperate with large majorities of Congress, in making provision for removing obstructions and improving channels in the various harbors and rivers of the Union. We of Massachusetts, had a particular interest in the bill which was thus wantonly defeated. The harbor, on whose borders we are at this moment assembled, was deprived, by the imperious will of Mr. Polk, of an appropriation, essential, not so much to its improvement, as to its preservation, and almost to its existence. Mr. President, the day was, when no man would have dared to deny that the condition of Boston harbor was a matter of national concern. When the British government shut up Boston port by a tyrannical edict, the whole Union was roused to reopen it. When the Liberty Boys choked up the channel with British tea, that, too, was an obstruction which was not

counted altogether local. Nor did it ever enter into the head of any of our Revolutionary or Constitutional fathers, to deny the nationality of so important a thoroughfare of commerce. But other counsels have come over our government, and Boston and Massachusetts are almost ruled out of the national regard.

Not, however, for ourselves alone, or even most deeply, do we deplore the veto of the Harbor and River bill. We realize every day, more and more, that we have a common interest and a common destiny with the dwellers on the great lakes and rivers of the West and Southwest, and our hearts are with them, in this fresh and cruel postponement of their long-deferred hopes. I know of few things more justly calculated to rouse the West and North to vigorous and united political action, than their common want of a systematic prosecution of these river and harbor improvements. The newspapers informed us that the flags on the shipping of Lake Erie were displayed at half-mast, when the news of the veto reached Buffalo. And well might they be so displayed. Not a few valuable lives are to be sacrificed, not a few hardy mariners are doomed to a watery grave, by that arbitrary act. It would be but a fit mark of the national mourning and indignation, if all the commercial flags of the Union, in all our ports, on all our rivers, and on all our lakes, should be displayed at half-mast, with the cause of such a proceeding briefly labelled on their folds, from this time forth, until a President shall be elected, who will sign the very bill which has now, for the third time, been rejected.

3. But a heavier blow still has fallen on the trade and industry of the country. In conformity with our predictions, the tariff of 1842 has been repealed, and a new one enacted in its stead. The character of this new tariff has been so ably and clearly exposed elsewhere, by those whose words are never lost on the country, that it would be a waste of time to enter here upon any elaborate analysis of its elements. This much, however, should be everywhere, and on all occasions, asserted of it. Its passage constitutes a complete revolution in our whole revenue and financial system. It is a measure which has no precedent in our own history, or in the history of civilized commercial countries. Its exclusive adoption of *ad valorem*

duties is in direct defiance of all the example and authority of other nations, and of all our own experience. It is in this respect a mere experiment, and one which is to be wantonly tried, at the expense of the interests of morality, as well as of trade. And in other respects, even more important, it is contrary to the whole policy of our government, from the earliest day of its establishment.

Sir, the professed aim and object of this new tariff, is to eliminate from our revenue system that element of discrimination in favor of American labor, which has been intertwined with it from the 4th day of July, 1789, to the 4th day of August, 1846. Henceforth the workingman of America is to have no protection from his own government. Henceforth (if these counsels hold, as I rejoice to believe they cannot,) he is to be doomed to an unaided struggle for bread, and almost for breath, with the operatives of the old world. The great free trade doctrine, that we are to "buy where we can buy cheapest," is to be rigorously applied to human labor, and wages are to be conformed to the standard of the cheapest markets of England, France and Germany. Such a system as this might naturally receive some countenance among those, with whom labor is associated only with the idea of degradation and bondage, and with whom the laborer himself is a thing to be bought and sold in the shambles. Though, let me do the justice to acknowledge, there are large and rapidly increasing numbers of intelligent Southern Whigs, who scorn such views as much as we do, and who appreciate, as highly as ourselves, the demands of the free labor of the country. But how such a system should receive the support of Northern and Western men, except upon the merest and most unworthy political and party grounds, is a matter past all comprehension. Yet so it is; and New York, New Hampshire, Ohio, Indiana, and other free States, are jointly responsible with Virginia, South Carolina, Mississippi and Alabama, for the passage of the tariff of 1846. Sir, I will extenuate nothing of the bad influences of Southern institutions. If railing against them would annihilate them, I would touch no other theme, even to the going down of the sun. But neither will I set down aught in malice. And it cannot be denied, that not a few of



the Northern, Eastern and Western States must be regenerated, before we can justly lay the whole abomination of this system at the doors of slavery.

Mr. President, it is Party which has done this work. The self-styled Democracy of the country pledged itself long ago to its accomplishment, and has now fulfilled its pledges, in spite of all personal convictions. Where was there a voice raised in full, cordial, unequivocal approbation of this new tariff? Nowhere on this side of the Atlantic. Nowhere within the wide-spread limits of our own Republic. When Senators were called on to explain and defend the details of the new system, they all with one consent began to make excuses, or else stood mute. One resigned, rather than vote for it. Another was gazetted as having attempted to run away, rather than vote for it. Mr. Benton admitted that he dared not look at what he was doing. Mr. Calhoun, even, was understood to have expressed the strongest misgivings as to its present policy. The casting vote was given at one stage by a Vice-President, and at another by an instructed Whig, (I wish he had been better instructed,) who both acknowledged their personal judgments to be against the measure. No, Sir, the voices that hail the passage of this Democratic Tariff come all from beyond the seas. The only indorsement of the Report on which it was based, was from the Parliament of Great Britain, and almost the only rejoicings at its passage are from the people of Great Britain. And well may it be so. So far as commerce and trade are concerned, it goes far to reëstablish the old colonial relations between us. They are henceforth, as in the days before the Revolution, to take our raw materials, or such of them as they cannot get cheaper elsewhere, and to send them back to us with their own skill and industry added to them. As for our own labor, it may hew wood and draw water, and whistle for a living.

There are other views of this measure, of deep national concern. It may be destructive of revenue. It will involve us in a national debt. It will bring upon us the necessity of direct taxation. But these, in my judgment, are trifles light as air, compared with its influence on the destinies of American labor.

Read, Mr. President, the account of English labor recently

furnished us by your own amiable and excellent fellow-citizen, of Worcester county, Elihu Burritt. Go with him into the work-shop of the British blacksmith. See the father working "from four o'clock in the morning to ten o'clock at night to earn eighteen pence" — "his wages averaging only about seven shillings a week," and that to support a "family of five." See his eldest boy of only nine years of age, cut off from all opportunity, alike of intellectual or physical expansion, with no food for the mind, and not enough for the body, working wearily by his side, to eke out the number of nails *per diem*, which is to secure them all from starvation. Hear the father lamenting, that he had no time or means to teach his children to read the Testament, the only book which he had ever seen himself, or which he seemed to care to have them see!

And this is the sort of labor, with which (according to the resolutions of the Democratic Convention held in this Hall last week) it is an insult to suggest, that the American operative is not able and ready to compete successfully! Is it not plain, that if the American operative is to compete with it successfully and without protection, it must be by submitting to these same deprivations and hardships? And are our laborers to work eighteen hours for eighteen pence? Is seven shillings a week the Democratic standard of sufficiency, for a laborer's family of five? And are the children of our American laborers to be doomed to toil by their father's side, from nine years old and upwards, shut out from all opportunity of being taught even to read the Testament?

What is to become of the Manhood, the Education, the Morality, the Religion, the Liberty of this Country — for they are all bound up in one bundle of life together — when such a state of things shall exist among us? Where would have been our blacksmiths' boys, if it had existed heretofore? Not traveling in Europe, like Elihu Burritt, able to read the Testament in a hundred tongues. Not governing Massachusetts, with admirable ability and discretion, like George N. Briggs. Sir, in every view of Philanthropy, Morality, Humanity, Republicanism, Liberty, it is of an importance which cannot be over-stated, that the wages of labor should be kept from falling to the English

or the European standard. And to this end, there must be protection, discrimination, or whatever else you choose to call it. We care not about words, but things. We do not stickle about the precise provisions of the Tariff of '42. But the Whigs of the Union will, I trust, leave no step untaken, and no stone unturned, to restore to our Revenue system that great principle of discrimination in favor of American labor, which our fathers established, as among the first and best fruits of their revolutionary success; and which has now, for the first time in our history, been totally discarded.

4. I come, Mr. President, to a brief notice of the last, but by no means the least momentous, fulfilment of the Whig predictions of 1844. It was the distinct declaration of all the Whig organs, during the last Presidential canvass, that the annexation of Texas would involve this nation in war with Mexico. And it has done so.

I do not forget that, in regard to some incidental questions connected with this war, there have been differences of opinion among friends at home, and differences of votes among friends at Washington. Upon these topics of controversy, however, I do not intend to touch. If anybody has come here, either by direct expression or by covert allusion, to cast imputations, to provoke collisions, or to stir up strife, I pass him by, with whatever respect other people may think him entitled to.\* We are assembled, Sir, to remember our agreements and not our differences. We have come here to reconcile all differences, and to do what we can to sustain and advance our common principles and our common objects. Let me only say, that, if the differences among Whigs here, be no wider than those among Whigs at Washington, on this subject, a reconciliation will require but little expenditure either of time or words. You and I, Sir, certainly, when we came to different conclusions as to our duty, on a memorable occasion, never imagined that we were parting company for an instant, either as true Whigs, or as true friends of peace on the one side, or true defenders of the country on the other. Much less did we dream, that we were forfeiting any

\* See Note at the end of the volume.

thing of our mutual respect and confidence. Nor have we done so.

Sir, upon all the great points of this question, there is no difference of opinion whatever. All agree, that this war ought never to have been commenced. All agree, that it ought to be brought to a close, at the earliest practicable moment. No man present denies that it originated, primarily, in the annexation of Texas; and, secondarily, in the marching of the American army into the disputed territory beyond the Nueces. And no man present fails to deplore, and to condemn, both of these measures. Nor is there a Whig in this assembly, nor, in my opinion, a Whig throughout the Union, who does not deprecate, from the bottom of his heart, any prosecution of this war, for the purpose of aggression, invasion, or conquest.

This, this is the matter in which we take the deepest concern this day. Where, when, is this war to end, and what are to be its fruits? Unquestionably, we are not to forget that it takes two to make a bargain. Unquestionably, we are not to forget that Mexico must be willing to negotiate, before our own government can be held wholly responsible for the failure of a treaty of peace. I rejoice, for one, that the administration have shown what little readiness they have shown, for bringing the war to a conclusion. I have given them credit elsewhere, for their original overtures last autumn; and I shall not deny them whatever credit they deserve for their renewed overtures now. But, Mr. President, it is not every thing which takes the name or the form of an overture of peace, which is entitled to respect as such. If it proposes unjust and unreasonable terms; if it manifests an overbearing and oppressive spirit; if it presumes on the power of those who make it, or on the weakness of those to whom it is offered, to exact hard and heartless conditions; if, especially, it be of a character at once offensive and injurious to the rights of one of the nations concerned, and to the principles of a large majority of the other;—then it prostitutes the name of peace, and its authors are only entitled to the contempt which belongs to those who add hypocrisy to injustice.

When the President of the United States, on a sudden and serious emergency, demanded of Congress the means of meet-

ing a war, into which he had already plunged the country, he pledged himself, in thrice repeated terms, to be ready at all times to settle the existing disputes between us and Mexico, whenever Mexico should be willing to make, or to receive propositions to that end. To that pledge he stands solemnly recorded in the sight of God and of men. Now, Sir, it was no part of our existing disputes, at that time, whether we should have possession of California, or of any other territory beyond the Rio Grande. And the President, in prosecuting plans of invasion and conquest, which look to the permanent acquisition of any such territories, will be as false to his own pledges, as he is to the honor and interests of his country.

I believe that I speak the sentiments of the whole people of Massachusetts — I know I speak my own — in saying that we want no more territorial possessions, to become the nurseries of new slave States. It goes hard enough with us, that the men and money of the nation should be employed for the defence of such acquisitions, already made ; but to originate new enterprises for extending the area of slavery by force of arms, is revolting to the moral sense of every American freeman.

Sir, I trust there is no man here, who is not ready to stand by the Constitution of the country. I trust there is no man here who is not willing to hold fast to the Union of the States, be its limits ultimately fixed a little on one side, or a little on the other side, of the line of his own choice. For myself, I will not contemplate the idea of the dissolution of the Union, in any conceivable event. There are no boundaries of sea or land, of rock or river, of desert or mountain, to which I will not try, at least, to carry out my love of country, whenever they shall really be the boundaries of my country. If the day of dissolution ever comes, it shall bring the evidence of its own irresistible necessity with it. I avert my eyes from all recognition of such a necessity in the distance. Nor am I ready for any political organizations or platforms, less broad and comprehensive than those which may include and uphold the whole Whig party of the United States. But all this is consistent, and shall, in my own case, practically consist, with a just sense of the evils of slavery ; with an earnest opposition to every thing designed to

prolong or extend it; with a firm resistance to all its encroachments on Northern rights; and above all, with an uncompromising hostility to all measures for introducing new slave States and new slave territories into our Union.

To this, then, let us pledge our united and cordial efforts. Let us call on the Executive to conform strictly to his pledges as to the present war. Let us demand of him to desist from all schemes of aggression and conquest. Let us demand of him not inconsiderately to reject the proffered mediation of Great Britain, and at any rate to confine all his military movements to the one great end of securing the restoration of peace. Let us, above all things, protest, in language not to be mistaken, against, all measures which shall add another inch of slave-holding territory to the Union. In the vote of the House of Representatives of the United States, on the 8th of August last, we have a sign of the times, and of the spirit of the times, full of encouragement. In that sign, let us go on and conquer.

Massachusetts Whigs cannot fail to conquer, Mr. President, with this and the other great issues to which I have alluded, in fit conjunction before them. With good candidates, and in a good cause, they have shown themselves to be all but invincible. Never had they better candidates, — never a better cause, than now; and nothing is wanting to their entire and triumphant success, but those united, vigorous, determined efforts, which the spirit of this meeting assures me will be made.

## THE WAR WITH MEXICO.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, JANUARY 8, 1847.

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IF I could have selected my own time for addressing the committee, I would not have followed so closely in the wake of my honorable and excellent friend from Georgia, (Mr. Toombs,) who has just taken his seat. But, after watching and struggling for the floor for three or four days, I cannot forego the opportunity of saying what I have to say now, even to avoid the disadvantage of placing my remarks in immediate contrast with a speech, which has attracted so large a measure of attention and admiration.

I am not prepared to vote for the bill now under consideration. I certainly cannot vote for it in its present shape. I doubt whether I can be brought to vote for it in any shape, under the present circumstances of the country. But, before dealing with its particular provisions, or with the principles and policy which it involves, I desire to submit a few considerations of a more general and comprehensive character.

I am not one of those, Mr. Chairman — if, indeed, there be any such in this House — who think it incumbent on them to vote against all supplies in a time of war, because they do not approve the manner in which the war was commenced, or the spirit in which it is conducted. Regarding war as an evil which no language can exaggerate; deprecating nothing more earnestly than a necessity of rendering myself in any degree responsible for its existence or continuance; desiring nothing so sincerely as an opportunity of contributing in any way to the peace

of my country and of the world; I yet acknowledge that there are many cases in which I should feel constrained to vote men and money for prosecuting hostilities, even though they had originated in measures which I utterly condemned. I may say, in a word, and without further specification, that I am ready to vote for the defence of my country, now and always; and, when a foreign army is on our borders, or a foreign squadron in our bays, I shall never be for stopping to inquire into the merits of the quarrel, or to ascertain who struck, or who provoked, the first blow, before doing whatever it may be in my power to do, to drive back the invaders, and to vindicate the inviolability of our soil. Nor do I forget that it may be sometimes necessary for our defence to carry the war into the enemy's country, and to cripple the resources, and crush the power, of those who may insist on disturbing our peace. When such a necessity exists, and is clearly manifested, I shall not shrink from meeting its responsibilities.

And here, Mr. Chairman, let me say to the honorable member from Ohio, (Mr. Giddings,) that I cannot acknowledge the entire applicability to the present issue, of those British precedents which he held up for our imitation a few days ago. I am not ready to admit that there is any very close analogy between the struggle of the American colonies in 1776, and that of the Mexicans now. Still less analogy is there between a vote of the British House of Commons, and a vote of the American House of Representatives. A refusal of supplies in the Parliament of Great Britain is, generally speaking, equivalent to a change of administration. No British Ministry can hold their places in defiance of such a vote. A successful opposition to supplies in time of war, is thus almost certain to result in bringing forthwith into power a Ministry opposed to its further prosecution; and the kingdom is not left to encounter the dangers which might result from a conflict, upon such a subject, between the executive and the legislative authorities. It is not so here. No vote of Congress can change our administration. If it could, the present administration would have expired on Saturday last, when a tax, which they had solemnly declared was essential to furnish them with the sinews of war, was so emphatically de-



nied. If it could, the present administration would have gone out on Tuesday last, when their demand for a Lieutenant-General, was so unceremoniously laid on the table. No British Ministry, in these days, could have survived for an hour two such signal defeats.

But our Executive is elected for a term of years, and his Cabinet are quite independent of our votes. A refusal of all supplies might hamper and embarrass an Executive, and give an enemy the advantage of divided counsels, but could hardly enforce a change of policy, or secure a concerted action in favor of peace. Certainly, it does not seem to be the mode contemplated by our Constitution for putting an end to a war, when it has once been commenced. The people alone can apply the potent styptic, the magical *Brocchieri*, for stopping the effusion of blood, if it be the Executive will that blood shall continue to flow. It is their prerogative to change the administration, and the day is coming, though farther off than some of us might wish, when they will have the opportunity of exercising it.

While, therefore, Sir, I yield to no one in admiration of the illustrious statesmen of Old England, whose names have been introduced into this debate — Burke, Barrè, Fox, and Chatham — and honor them especially for their noble efforts in behalf of American rights, I do not see my way clear to making their conduct in the British Parliament in 1776, the exact model of my own conduct here and now. I turn rather to the example and authority of American statesmen, hardly less distinguished, and no less worthy of admiration and imitation. If ever there was a man of pure life, of stern integrity, of exalted patriotism in our country, it was John Jay; a member of the first Congress of the United States, and the author of one of those masterly papers, emanating from that body, which called forth the well-remembered commendation of Lord Chatham himself; the first Chief Justice of the United States, and of whom it has been beautifully said, that “when the spotless ermine of the judicial robe fell on John Jay, it touched nothing not as spotless as itself.” He was no friend to war in general, or to the last war in which this country was involved in particular. But in writing to a kindred spirit during the existence of that war, he ex-

pressed sentiments in which I so heartily concur, that I cannot forbear reading them to the committee:

JOHN JAY TO TIMOTHY PICKERING.

"BEDFORD, November 1, 1814.

"It is not clear to me that Britain did then expect or desire to conclude the war quite so soon. As to her present or future disposition to peace, or how far it has been, or may be affected by a settled or by a still fluctuating state of things in Europe, or by calculations of our becoming more united or more divided, cannot now be known. If we should change our rulers, and fill their places with men free from blame, the restoration of peace might doubtless be more easily accomplished. Such a change will come; but not while the prevailing popular delusion continues to deceive and mislead so great a portion of our citizens.

"Things being as they are, I think we cannot be too perfectly united in a determination to defend our country, nor be too vigilant in watching and resolutely examining the conduct of the administration in all its departments, candidly and openly giving decided approbation or decided censure, according as it may deserve the one or the other."

MR. GIDDINGS. Will my friend from Massachusetts permit me to offer one word of explanation?

THE SPEAKER. Does the gentleman from Massachusetts yield the floor?

MR. WINTHROP. Certainly, Sir.

MR. GIDDINGS. The gentleman from Massachusetts will distinctly understand that, in so many words, I expressed the opinion that, if the army should be withdrawn within the legitimate limits of the United States, there would be but one voice in the country in favor of a war to repel invasion.

MR. WINTHROP. I cheerfully give the gentleman from Ohio the benefit of the explanation, and had not the slightest intention of casting any reflection upon his conduct.

Sir, I concur entirely in both the propositions contained in this paragraph which I have just read from the correspondence of Mr. Jay. I think "we cannot be too perfectly united in a determination to defend our country," wherever that defence may be involved, directly or indirectly, in this war and in all other wars; and I think that "we cannot be too vigilant either in watching and resolutely examining the conduct of the Administration in all its departments, candidly and openly giving decided approbation or decided censure, according as it may deserve the one or the other." For, while I am not willing to class

myself with those who are for refusing all supplies, even under the present circumstances of the war in which we are engaged ; while I maintain that some provision must be made for the support of our armies and the defence of our country, as long as a foreign nation is in arms against us, declining all overtures of peace ; I must also disavow all sympathy with those who proclaim their intention to sanction all the measures of the Administration, blindly and implicitly, and to vote for whatever amount of money, and whatever number of men, they may see fit to demand. I cannot regard such a course as either called for by patriotism or consistent with principle. Still less do I acquiesce in the doctrine, which would impose silence upon all who cannot approve the conduct and policy of the Administration. I have no faith in the idea that it is necessary for us to hold our peace, in order that the Executive may make peace with Mexico. I believe, on the contrary, that, if this war is ever to be brought to an end, it is time for those who desire that consummation, to speak out in language not to be misunderstood.

Indeed, Sir, I know of nothing of less favorable augury for the destinies of our country, than the disposition which has been manifested by the Administration and its friends to stifle inquiry, to suppress discussion, to overawe every thing like free comment and criticism, in regard to the war in which we are now involved.

When any one of the vessels of our Navy meets with a disaster at sea, is wrecked in a gale, or stranded on a lee-shore, a court of inquiry is forthwith instituted as to the circumstances of the catastrophe. Her officers demand it. The Government exact it. It is considered due to the country, as well as to all concerned, that it should be clearly seen whether there has been any carelessness, or any culpableness, on the part of any of those to whom she has been intrusted ; and, if so, who is the guilty party.

But now, when the ship of State has been involved in the deepest disaster which can befall her, when she has been arrested on that track of tranquil liberty for which she was designed, and has been plunged into the vortex of foreign war, we find her commander and his officers and pilots all denouncing

any investigation of their conduct, and imperiously demanding of the people and their representatives that they shall rest satisfied with a one-sided, *ex parte* vindication of their acts and motives. All denial, all doubt, of the supreme wisdom and consummate justice of their conduct is boldly condemned from the very quarter-deck itself, not without ominous glances at the yard-arm; and those who honestly entertain misgivings as to their course, are called upon to close their lips, or to submit to the base imputation of "giving aid and comfort to the enemy."

Sir, if this be an evidence of the progress of Democracy, it can only be of that sort of Democracy which is to find its legitimate goal in despotism. If such a doctrine is to receive the sanction of this House, we had better resort to the old custom of the British Parliament, and send our Speaker, at the opening of every Congress, to the President, to beg that he will graciously grant to his most faithful Commons the privilege of free debate. Nay, we might as well resort at once to the old Roman practice, in time of war, and invest our Chief Magistrate with the irresponsible prerogative of the Dictatorship, and leave him alone to take care that the Republic receives no detriment.

We are gravely told that we may question the policy and justice of an administration in time of peace as much as we please; but that when we are engaged in war, all such questioning is unpatriotic and treasonable. So, then, Mr. Chairman, if the rulers of our Republic shall content themselves with some ordinary measure of misconduct, with some cheap and vulgar misdemeanor, the people may arraign and impeach them to their heart's content. But let them only lift themselves boldly to the perpetration of a flagrant crime, let them only dare to commit the very worst act of which they are capable, and they are to find their impunity in the very enormity of their conduct, and are to be safely screened behind the mountain of their own misdoing!

This, Sir, is the length to which the President has gone in his message. This is the length to which gentlemen have followed him on this floor. Be it, say they, that this war is, in your judgment, wholly unjustifiable; be it, that it has been commenced by Executive assumption and usurpation; be it, that it is prose-

ented in a manner utterly inconsistent with the Constitution of our country ; yet, as it is a war, and for the very reason that it is this monstrous wrong, you must not open your lips ; you must not express or intimate opposition or discontent ; you must not inquire, discuss, or do any thing but vote supplies for its vigorous prosecution. The enemy will hear you, and will derive "aid and comfort" from your conduct, and you yourselves will be guilty of treason.

Sir, I say, let the enemy hear — let the enemy hear, and let the world hear, all that we say and all that we think on this subject, rather than our rights of free discussion shall be thus wrenched from us, and rather than the principles of our Constitution and the spirit of our government shall thus be subverted and crushed.

Mr. Chairman, I can find no words strong enough to express my utter reprobation and condemnation of this abhorrent doctrine. The doctrine that, whenever war exists, whether produced by the acts of others or by our own act, the Representatives of the people are to resign all discretion and discrimination as to the measures by which, and the objects for which, it is to be carried on ! The doctrine that, in time of war, we are bound by the obligations of patriotism to throw the reins on the neck of Executive power, and let it prance and plunge according to its own wild and ungoverned impulses ! I have heard before of standing by one's country right or wrong, and much as we may scorn such a sentiment as a general principle, there is at least one sense in which no man is at liberty to revolt from it. As a maxim of defence, in time of danger, its propriety cannot be disputed. But whence came this doctrine that we are to stand by the *Executive*, right or wrong ? From what soil of Democracy has it sprung ? In what part of our Republican history do you find the germ from which it has now so suddenly burst forth ?

Sir, the Democracy of other days is not without a voice on this subject ; a voice of warning, a voice of rebuke, which I trust will not be heard in vain. Every body will remember a celebrated controversy which occurred between Alexander Hamilton and James Madison in the year 1793, on the subject of the Proclamation of Neutrality. But every one is not familiar,

perhaps, with the principles brought under consideration in that masterly discussion. I beg leave to refresh the memories of gentlemen with a few paragraphs from the papers of James Madison on that occasion :

"Every just view that can be taken of this subject admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the Constitution, that the power to declare war, including the power of judging of the causes of war, is fully and exclusively vested in the Legislature ; that the Executive has no right, in any case, to decide the question whether there is or is not cause for declaring war ; that the right of convening and informing Congress, whenever such a question seems to call for a decision, is all the right which the Constitution has deemed requisite or proper ; and that for such, more than for any other contingency, this right was specially given to the Executive.

"In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislative, and not to the Executive department. Besides the objection to such a mixture of heterogeneous powers, the trust and the temptation would be too great for any one man ; not such as nature may offer as the prodigy of many centuries, but such as may be expected in the ordinary successions of magistracy. War is in fact the true nurse of Executive aggrandizement. In war, a physical force is to be created, and it is the Executive will which is to direct it. In war, the public treasures are to be unlocked, and it is the Executive hand which is to dispense them. In war, the honors and emoluments of office are to be multiplied, and it is the Executive patronage under which they are to be enjoyed. It is in war, finally, that laurels are to be gathered, and it is the Executive brow they are to encircle. The strongest passions and most dangerous weaknesses of the human breast—ambition, avarice, vanity, the honorable or venial love of fame—are all in conspiracy against the desire and duty of peace.

"Hence it has grown into an axiom, that the Executive is the department of power most distinguished by its propensity to war ; hence it is the practice of all States, in proportion as they are free, to disarm this propensity of its influence.

"As the best praise, then, that can be pronounced on an Executive magistrate is, that he is the friend of peace—a praise that rises in its value as there may be a known capacity to shine in war—so it must be one of the most sacred duties of a free people to mark the first omen in the society of principles that may stimulate the hopes of other magistrates of another propensity, to intrude into questions on which its gratification depends. If a free people be a wise people also, they will not forget that the danger of surprise can never be so great as when the advocates for the prerogative of war can sheathe it in a symbol of peace.

"The Constitution has manifested a similar prudence in refusing to the Executive the sole power of making peace. The trust, in this instance, also, would be too great for the wisdom, and the temptations too strong for the virtue, of a single citizen."

And there is another paragraph in one of the same papers of infinitely more significant import :

"Those who are to conduct a war, cannot, in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued or concluded. They

are barred from the latter functions by a great principle in free government, analogous to that which separates the sword from the purse, or the power of executing from the power of enacting laws."

Much has been said, in the course of this debate, Mr. Chairman, about the doctrines of old-fashioned Federalism. Now here, Sir, are the doctrines of old-fashioned Democracy, in the very language of one of its ablest and most honored masters. And how strangely do they contrast with the manifestoes of that modern brood, which boast themselves so vaingloriously of their borrowed plumes! In which one of these golden sentences of James Madison do you find any justification of the idea, that the Executive department of the government is to be implicitly trusted in time of war, and that the vigilance of Congress is to suffer itself to be lulled asleep by the insipid opiate of a President's message? What can be more emphatic than the declaration, that "those who are to conduct a war cannot, in the nature of things, be proper or safe judges whether a war ought to be commenced, continued, or concluded?" Who can read these paragraphs without being deeply impressed with the sentiment which pervades them, that if the true spirit of Democracy calls upon us ever to be jealous, with an exceeding jealousy, of Executive power, it is when that power has been armed with the fearful prerogative of war, and when, as now, that prerogative is masked behind "a symbol of peace?" If the democratic sensibilities of James Madison were startled and shocked, when George Washington, that "prodigy of many centuries," as he well entitled him, thought fit to forestall the deliberations of Congress by issuing a proclamation of neutrality, what would he have said had he lived to see a President, "such as may be expected in the ordinary successions of magistracy," not merely involving the country in war by his own acts, but proceeding to stigmatize as traitors all who may think fit to inquire into the causes of the war, or to judge for themselves whether it ought to be continued or concluded?

But we have been told, Mr. Chairman, that whoever else may undertake to cavil at the course of the administration in relation to this war, it does not belong to those who voted for it to do so. We were elegantly and courteously informed, some

days ago, that the man who voted for the war, (meaning, of course, for the bill of May 13,) and who now complains of the Executive, must be little better than a knave.

Now, Sir, I voted for the bill of May 13, and I complain of the Executive; and I stand here to vindicate the character and the consistency of those to whom this foul epithet has been so flippantly applied. And let me say at once, that it is from the very fact that I voted for that bill, that I feel all the greater right, and all the greater obligation, to complain of the course of the administration.

What, Sir, was the bill of May 13th? I deny totally that a vote for that bill was, in any just sense of the term, a vote for the war. It certainly does not lie in the mouth of the President, or any of his friends, to call it so. The President told us on the eleventh day of May that the war existed. It existed, as he said, and as the preamble of the bill repeated, "by the act of Mexico." It existed, as many of us thought, who protested at the time against the justice of the preamble, and have never ceased protesting against it from that day to this, by his own act. At any rate, the war existed, as the President said, as the bill said, as I thought then, and as I think still. For I have never doubted for a moment, that a state of things had at that time been brought about, between this country and Mexico, which called for a recognition, on both sides, of the existence of war.

What, then, was the bill of May 13th? It was a bill to give to the Executive the war power, to meet an exigency of existing war, and for the purpose of enabling him to accomplish the great purpose, which he so solemnly professed to have at heart, of reëstablishing an honorable peace. This, Sir, is what we on this side of the House voted for.

Doubtless, our action was in some degree influenced by the condition of General Taylor's army; nor can I fail to protest against the assertion of an honorable member, that we must have known that the army would have extricated itself before the succors authorized by the bill could reach them. We could not, by any possibility, have known any such thing. It might have been regarded as probable that General Taylor would either



have been victorious, or have been vanquished, before that time. But not few nor feeble were the apprehensions that he might have been vanquished. And if such a result had occurred — if our army had been conquered, and the captives had been marched off to the mines, I leave it to others to take the responsibility of saying, that there would then have been no occasion for men and money to rescue and redeem them.

The exigency, however, was not one for calculating chances, or speculating on probabilities. The war existed; and I know of no mode of meeting an existing war but by a prompt exercise of the war power. This is one of the cases to which the Irish maxim may be well applied, that “the best way to avoid a difficulty is to meet it plump.” And so far, while I entertain the most perfect respect for those who differed from me, and freely admit that the preamble of the bill furnished ample ground for honest and patriotic disagreement, I have nothing to regret in the vote which I gave for the substantial provisions of that bill.

But now, Sir, comes the question, suggested by the remarks of more than one gentleman in this debate. Because we have voted, six months ago, under these circumstances, or under any other circumstances, to confer the war power upon the President, are we therefore bound to acquiesce in any and every measure for which he may see fit to employ that power? Because for these reasons, or for any reasons, we have intrusted that fearful prerogative to the officer to whom the Constitution assigns it, when it is to be wielded at all, are we therefore responsible for his whole exercise of it, and absolutely estopped from complaining of any perversion or abuse of it?

This is an extraordinary doctrine, indeed! Suppose, Sir, that the President had been found exercising this power with tameness, or with downright treachery; suppose he had suffered our armies to be taken captive, and our strongholds to be surrendered; suppose he had invited an invasion of our undisputed national soil on this side of the Nueces, or on this side of the Sabine; suppose he had been discovered entering into traitorous agreement with the enemy, and admitting their chosen leader not merely into their own territory, but into ours, — should we have

had no right of arraigning him before the country? No man will put forth so preposterous an idea. And if, on the other hand, he is found perverting the authority, asked by him and given to him as an instrument of peace, to the purposes of invasion and conquest, and embarking the nation in a mad crusade of aggression and aggrandizement, is it not equally our right and our bounden duty to call him to account? Is it not especially the right, and preëminently the duty, of those who have aided in giving him that power, upon far other pretexts, and for far other objects, to hold him to his responsibility?

Sir, I repeat, it is because the President holds this tremendous instrument partly by my vote, that I feel constrained to examine well into his course, and to demand of him, vainly perhaps, but audibly and earnestly, to remember his pledges, and to pause from the prosecution of a policy, at total variance with the original intentions of Congress, and with all the institutions and interests of our country.

Mr. Chairman, in any remarks which I may see fit to make, now or hereafter, in relation to the existing war, I do not intend to justify the conduct of Mexico. I do not deny, I never have denied, that we have just cause of complaint against the Mexican Government. Grossly exaggerated as I regard many of the representations of the President, and of his supporters on this floor, in relation to the claims of our citizens for spoliation upon our commerce, I yet freely admit that Mexico has been much at fault in all this matter. Nor am I disposed to deny that she has been at fault in many other matters of more recent occurrence. She was wrong in not acknowledging the independence of Texas many years ago. She was wrong, when she at last proposed to make that acknowledgment, in affixing to it a condition which could do her no manner of good, and which was sure to be construed into an offence to others. She was wrong in breaking off so abruptly all diplomatic intercourse with the United States, when the act of annexation had passed the two Houses of Congress. She was wrong in not receiving Mr. Slidell agreeably to the understanding between the two Governments, as I conceive, when he was sent on a mission of peace more than a year ago. She was wrong in not returning a more conciliatory reply to the

renewed overtures of the Administration in July last. And she will again have been wrong if she shall have persisted, (as I fear,) on the assembling of her new Congress, in a final and unqualified rejection of all proffers of negotiation.

I do not say that any, or all, of these acts have furnished the Administration with reasonable grounds for making war upon her. Far from it. Nor can I say that I am altogether astonished that Mexico has pursued such a course. No man can wonder that the Mexican blood should have been roused by the policy which has been manifested by some portions of the American people. She has had quite too much reason for apprehending that there was a settled purpose in this country of ultimately despoiling her of some of her most valuable domains. And unless we can discover some ethereal vapor, like that recently invented for preventing the pain of surgical operations, and which will render nations, as well as individuals, insensible to their own dismemberment, we could hardly expect her to be entirely cool in the contemplation of such a process.

Still, I hold her to have been wrong. Her pride has outrun her prudence; her blood has got the better of her judgment; and she has done much to bring upon herself the worst evils she has apprehended, by a precipitate and passionate attempt to prevent them. Sir, I am not one of those who would be understood to say to Mexico, that if I were a Mexican, as I am an American, I would not lay down my arms while an American soldier was on the soil of my country. Glad as I should be to see every American soldier withdrawn from her soil; sincere as I am in believing that our own Administration could not adopt a wiser or more honorable course; strong as I am in the hope, that if, through mutual suggestions to a third Power, or in any other way, it could be clearly understood that, in such an event, satisfactory terms of accommodation could be agreed upon, the Administration would not hesitate, as it ought not to hesitate, to make the movement; I still cannot counsel Mexico to insist on such a preliminary.

No, Sir; if I had a voice which I believed would reach beyond the little circle of this hall; if it were possible for me to do what an honorable member from Georgia — unintentionally, I am

sure—was disposed to charge upon some of us a few days ago, “*circulate a speech among the enemy* ;” if I could reach the ear of the Mexican rulers or the Mexican people, or could address a word to that intelligent and accomplished gentleman who was known to us all so favorably little more than a year ago—General Almonte—and who seems now to be about to assume the very lead in the conduct of his country’s affairs, I would say to him, I would say to them, as one who has been uniformly opposed to the annexation of Texas,—as one who at this moment desires no peace but such as shall be honorable to both countries, to Mexico as well as to the United States,—as one who does not desire to see one acre of territory taken from Mexico as the result of this war,—I would say to them and to him : “ Abandon something of this haughty spirit ; abate something of this false pride, which is hurrying you to your ruin ; reconsider, renounce, these resolutions of unyielding defiance which you seem rashly to have adopted ; and proclaim, without further delay, some terms upon which you are ready to meet the Government of the United States for an amicable settlement of all matters in dispute.” I would say to them, that they had done enough to exhibit their courage, and to signalize their chivalrous sensibility to the national honor. I would tell them, that Palo Alto, and the Resaca de la Palma, and the heights of Monterey, had already placed their reputation for spirit and valor quite above the fortunes of the day. I would tell them, too, that they had nothing, nothing whatever, to expect from any differences of opinion or dissensions of parties here ; that, however anxious some of us might be to put an end to the war, and however earnest we might be in rebuking the measures by which it was commenced, and in condemning any unnecessary prosecution of it, there was yet no party and no person in the country from whom they could expect either “ aid or comfort ;” and that all such imputations, whether coming from the White House or from any other quarter, were as baseless as they were base. I would tell them, on the contrary, that, in my judgment, and in the opinion of all parties, it would be the truest policy and the highest honor of Mexico to specify some terms, at the earliest moment, on which she would meet the United States for the purpose of an amicable arrangement.

This, Mr. Chairman, would be my speech to Mexico ; and if there be any thing treasonable in it, I submit myself to all the pains and penalties of the third article of the Constitution.

But, while these are the views which I entertain sincerely and strongly in relation to the Mexican side of this question, do I therefore justify the war upon our side ? Because Mexico has not acted in many particulars according to my ideas of right and justice, am I therefore for pressing her to the wall with fire and sword ? Because she obstinately resists all overtures for negotiation, must I therefore sanction the policy of the Administration in overrunning her territory and seizing her dominions ? No such thing. I utterly condemn the manner in which the war was commenced, and the spirit in which it seems now about to be prosecuted, and I shall never hesitate to say so.

As to the origin of the war, I shall say but few words. It should never be forgotten that its primary cause was the annexation of Texas ; a measure pressed upon the country, by its peculiar advocates, with the view of strengthening, extending, and perpetuating the institution of domestic slavery.

Sir, I cherish no feelings of ill-will towards Texas. Now that she is a member of our Union, I would speak of her in the terms which belong to the intercourse of sister States. But I cannot fail to speak plainly in regard to the unconstitutional act of her annexation, and the disastrous consequences which have thus far attended it. Who forgets the glowing terms in which the addition of that lone star to our American constellation was heralded ! How much of prosperity and of peace, of protection to our labor and of defence to our land, was augured from it ! Who now can reflect on its consequences as already developed ; who can think of the deep wound which, in the judgment of many, it has inflicted on our Constitution ; of the alienations and heart-burnings which it has produced among different members of the Union ; of the fearful looking-for of disunion which it has excited ; of the treasure it has cost, and the precious lives it has wasted, in the war now in progress ; of the poison it has in so many ways mingled with the previously healthful current of our national career ; — who can reflect on all this without being reminded of another lone star, which “ fell from heaven, burning

as it were a lamp, and it fell upon the third part of the rivers, and upon the fountains of waters, and the name of the star is called Wormwood, and the third part of the waters became wormwood, and many men died of the waters because they were bitter!"

The more immediate cause of the war was the Executive mode of consummating this measure of annexation. Without entering at all into the question of the rightful boundaries of Texas, this is certain, that Congress, in the very resolution of annexation, recognized the fact of a disputed boundary, and declared that it should be settled by negotiation. The President so interpreted the resolution, and proceeded to proffer negotiation. I give him all due credit for that. But when he found that resort likely to fail, instead of coming to Congress for new advice and new instructions, as he ought to have done, as James Madison would have done in conformity with those views of his which I have already cited, Mr. Polk determined, on his own responsibility, to resort to the sword, and marched his armies to the outmost verge of Texan pretensions. And no man can deny that this unwarrantable act of the Executive gave immediate occasion and origin to the war with Mexico.

But, without another word as to its origin, I turn to a consideration of its progress and prosecution; and would that we all, of all parties, and I will add of both countries, instead of contenting ourselves with mutual criminations as to who began the war, could enter heartily into the far nobler competition, who should be the first, and who do the most, in bringing it to a close!

For what end, Mr. Chairman, is the vigorous prosecution of this war now proposed? For what purpose are we now called upon to give the Executive these ten new regiments of regular troops? I will do the President the justice to take his own answer to these questions. I quote two paragraphs from his late annual message, which admit of no misinterpretation:

"The war has not been waged with a view to conquest; but, having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary demands against Mexico." — *Message*, p. 22.

"Among our just causes of complaint against Mexico, arising out of her refusal to

treat for peace, as well before as since the war so unjustly commenced on her part, are the extraordinary expenditures in which we have been involved. Justice to our own people will make it proper that Mexico should be held responsible for these expenditures." — *Ib.* p. 26.

The object of the war is thus described to be "an honorable peace." I go heartily for that. I am ready to vote any supplies which can really contribute to such a result. But now comes the President's definition of this honorable peace: "and thereby to secure ample indemnity for the expenses of the war, as well as to our much-injured citizens, who hold large pecuniary claims against Mexico."

This, then, is the authentic account of the objects for which this war is to be prosecuted: not to settle the boundaries of Texas; not to defend any thing which by the largest construction can be called our country; not even "to conquer a peace" in the simple sense of that phrase; but to secure indemnity for the claims of our citizens, and for the expenses of the war.

Now, Sir, to such a war, prosecuted in this spirit and for these ends, I am utterly opposed. I maintain, in the first place, that it is not the war which Congress ever intended should be prosecuted, or to which it has ever yet given its sanction. I know not how far party discipline may go in bringing up majorities of the two branches to sustain such a policy; but I hazard nothing in saying that had it been disclosed at the outset, it would have met no sanction in any quarter. Why, does any one for a moment believe that if Mexico had refrained from all hostile opposition to the annexation of Texas, and had given even the assent of a dogged silence to our extending our jurisdiction over that territory, we should have ever heard of these claims as the ground of war? The President would not have ventured his character upon such a suggestion, and Congress would have scorned it, had it been made to them.

But I maintain, in the second place, that such a policy is unworthy of the land, and of the age, in which we live. Is this a day, is this a country, in which war, for the mere purpose of recovering money from a nation unable to pay it, is to be tolerated? I do not underrate the importance of securing to our citizens a just indemnity for injuries committed upon them in any quarter; and wherever there is the ability to make that

indemnity, it ought to be exacted, sometimes, perhaps, even to the extent of force. And where it is exacted, and where it is secured, the Government ought to pay it over to those to whom it belongs, as Mr. Polk has refused to do in the case of the French spoiliations prior to 1800. But a war for extorting payment from a poor debtor! Why, Sir, the day has gone by when we endure the practice of coercing individuals who are unable to meet their obligations. The imprisonment of poor debtors is rapidly disappearing from the refined codes of civilized society. The abolition of that system is among the highest triumphs of modern civilization. But this policy of the Administration would seem to carry us back to the barbarous provisions of the laws of the Twelve Tables of ancient Rome, which, according to some constructions, allowed the creditors to dismember their debtors, and distribute among themselves the severed limbs and mutilated trunks!

Yes, Mr. Chairman, the dismemberment of Mexico for debts which she cannot pay, is the humane and Christian policy proposed to us by the Executive. Money, we all know, cannot be wrung from her in any large sums. What little she might have had to pay to "our much-injured citizens," we are daily exhausting by compelling her to employ it in defending her own soil. Why, Sir, this attempt to extort indemnities from Mexico by force of arms, reminds one of an old story of ancient Greece. Themistocles, it seems, besieged the island of Andros, and called upon the inhabitants to pay tribute. He told them that the Athenians had two great gods, to whom they ought to yield immediate submission. One of these gods was Persuasion, and the other Compulsion. But the Andrians answered that they, also, had two gods—that one of them was Poverty, and the other Impracticability; and that they could not and would not pay him any tribute-money. They added that his power could never surpass their powerlessness.

Now, this seems to be about the state of things between us and Mexico, so far, at least, as money is concerned. I do not know but that we might regard her as having at least three of these heathen deities, and add the Fever—*el Vomito*—to Poverty, and Impracticability.



But she has territory, and this is the sort of indemnity which is sought. This, indeed, it is now quite too evident, has been the one great object of the whole Executive movement. Nobody can read the documents connected with this war, and especially those transmitted to us in answer to the call of my honorable friend from Kentucky, (Mr. Davis,) without seeing that, from first to last, before the war and since, Mexican territory has been the great object of the Administration. It is hardly too much to say that, had there been no California, there would have been no war. As far back as June 24, 1845, we find the purpose of securing this possession, as the result of a possible war, plainly disclosed in the confidential correspondence of the Navy Department. After the war had once commenced, it is thus boldly avowed in a despatch of July 12, 1846:

"The object of the United States is, under its rights as a belligerent nation, to possess itself entirely of Upper California."

And again:

"The object of the United States has reference to ultimate peace with Mexico; and if, at that peace, the basis of the *uti possidetis* shall be established, the Government expects, through your forces, to be found in actual possession of Upper California."

Now, Sir, I am not about to depreciate the desirableness to the commerce of our country of a good harbor or two on the Pacific Ocean. If a strip of California could be added to our Oregon possessions, under proper circumstances, and with the general consent of the country, I should be one of the last persons to object to it. But the idea that it is worthy of us to take advantage of this war to wrest it from Mexico by force of arms, and to protract the war until she will consent to cede it to us by a treaty of peace, I utterly repudiate.

It is this lust of territory, Mr. Chairman, which has given occasion to this war, and which now proposes to prosecute hostilities with renewed vigor. It is an appetite which grows by what it feeds on. Texas seems only to have furnished a whet for our voracity. It was but the stimulating lunch to prepare us for a more substantial meal. Sheridan, in the Rivals, I think — my classical friend from South Carolina (Mr. I. E. Holmes) will correct me if I am wrong — thought it a very good joke to make

Mrs. Malaprop say, that "she would have the young lady instructed in *geometry*, in order that she might know something of the *contagious* countries." Ah, Sir, the joke has lost its point for us. It seems as if all contiguous countries were going to be contagious to us, and as if we should soon be ready to adopt the language of another character in the same celebrated play, who said to his son, "Don't enter the same hemisphere with me; don't dare to breathe the same air or use the same light; but get an atmosphere and a sun of your own!"

Meantime, while we are pursuing this wild career of national extension and aggrandizement, what has become of that peace which we were to have "conquered" three months ago! Sir, it seems to be further off from us at this moment than ever before. Whatever gallant arms and brave generals could do to secure it, has been done already. Cities have been captured; fortresses have been stormed; plains have been strewed with the dying and the dead; rivers have been reddened with blood! But where is peace? At the end of what vista, however distant, do we see that promised and precious blessing? If I believed that any amount of military force were necessary to establish peace at this moment, I should be half inclined to give the Executive all, and more than all, that he could ask. But, in my judgment, no peace is to be acquired in the way this bill proposes to acquire it. We may conquer more armies; we may overrun more territory; we may "make a solitude and call it peace;" but peace, in any true sense of that term, will still elude our pursuit. We shall find no government to make peace with, and no people who will conform to the stipulations of any government. The peace which such bills as this will give us, will be like that which France has conquered in Algiers. That war commenced in 1829, and France has now a hundred thousand soldiers on the Algerine soil to secure her barren conquest. This may do very well for France, who desires a training-field for her standing armies; but it will never, never, do for this Republic.

And where, too, is to be our domestic peace, if this policy is to be pursued? According to the President's plan of obtaining "ample indemnity for the expenses of the war," the longer the war lasts, and the more expensive it is made, the more territory

we shall require to indemnify us. Every dollar of appropriation for this war is thus the purchase-money of more acres of Mexican soil. Who knows how much of Chihuahua, and Coahuila, and New Leon, and Durango, it will take to remunerate us for the expenses of these ten regiments of regulars, who are to be enlisted for five years? And to what end are we thus about to add acre to acre and field to field? *To furnish the subject of that great domestic struggle, which has already been foreshadowed in this debate!*

Mr. Chairman, I have no time to discuss the subject of slavery on this occasion, nor should I desire to discuss it in this connection, if I had more time. But I must not omit a few plain words on the momentous issue which has now been raised. I speak for Massachusetts—I believe I speak the sentiments of all New England, and of many other States out of New England—when I say, that, upon this question, our minds are made up. So far as we have power—constitutional or moral power—to control political events, we are resolved that there shall be no further extension of the territory of this Union, subject to the institutions of slavery. This is not a matter to argue about with us. My honorable friend from Georgia (Mr. Toombs) must pardon me if I do not enter into any question with him whether such a policy be equal or just. It may be that the North does not consider the institution of slavery a fit thing to be the subject of equal distribution or nice weighing in the balances. I cannot agree with him that the South gains nothing by the Constitution but the right to reclaim fugitives. Surely he has forgotten that slavery is the basis of representation in this House.

But I do not intend to argue the case. I wish to deal with it calmly, but explicitly. I believe the North is ready to stand by the Constitution, with all its compromises, as it now is. I do not intend, moreover, to throw out any threats of disunion, whatever may be the result. I do not intend, now or ever, to contemplate disunion as a cure for any imaginable evil. At the same time I do not intend to be driven from a firm expression of purpose, and a steadfast adherence to principle, by any threats of disunion from any other quarter. The people of New England, whom I have any privilege to speak for, do not desire, as I under-

stand their views—I know my own heart and my own principles, and can at least speak for them—to gain one foot of territory by conquest, and as the result of the prosecution of the war with Mexico. I do not believe that even the abolitionists of the North—though I am one of the last persons who would be entitled to speak their sentiments—would be unwilling to be found in combination with Southern gentlemen, who may see fit to espouse this doctrine. We desire peace. We believe that this war ought never to have been commenced, and we do not wish to have it made the pretext for plundering Mexico of one foot of her lands. But if the war is to be prosecuted, and if territories are to be conquered and annexed, we shall stand fast and forever to the principle that, so far as we are concerned, these territories shall be the exclusive abode of freemen.

Mr. Chairman, peace, peace is the grand compromise of this question between the North and the South. Let the President abandon all schemes of further conquest. Let him abandon his plans of pushing his forces to the heart of Mexico. Now, before any reverses have been experienced by the American arms, he can do so with the highest honor. Let him exhibit a spirit of magnanimity towards a weak and distracted neighbor. Let him make distinct proclamation of the terms on which he is ready to negotiate; and let those terms be such as shall involve no injustice towards Mexico, and engender no sectional strife among ourselves. But, at all events, let him tell us what those terms are to be. A proclamation of Executive purposes is essential to any legislative or any national harmony. The North ought to know them; the South ought to know them; the whole country ought to understand for what ends its blood and treasure are to be expended. It is high time that some specific terms of accommodation were proclaimed to Congress, to Mexico, and to the world. If they be reasonable, no man will hesitate to unite in supplying whatever means may be necessary for enforcing them.

And now, Sir, what is the precise bill before us? It is a bill to increase the standing army of the country by the addition of ten new regiments of a thousand men each. It has no relation to the present support or relief of our army and volunteers now

in Mexico. These regiments cannot, by any possibility, be recruited under a year, or a year and a half. The report of the Adjutant-General, dated 5th December last, distinctly shows this. He states that "the recruiting service has been pushed with vigor," and then proceeds to give us the results. He says: "The whole number of men enlisted from the 1st of October, 1845, to the 30th of September, 1846, is 5,945; being an excess of 2,388 over the previous year. The number enlisted in October and November, and to be enlisted in December, may be put down at 1,500."

If only 1,500 can be enlisted in three months, with this "vigorous pushing," it is plain that it will take a year to enlist 6,000, and another half year to complete the ten regiments. But it will take a much longer time than this.

The authorized regular force, at this moment, is 16,998; or deducting the commissioned officers, 16,218. But the whole rank and file of the army, notwithstanding the "vigorous pushing" of the recruiting service, could only be computed at 10,000 on the 31st of December last.

There are thus more than 6,000 men still to be enlisted under existing authority, which, according to the estimates of the Adjutant-General, will require a full year, and thus postpone the completion of these new regiments to two years and a half from the present time.

It is plain, therefore, that these new regiments are called for with no reference to any immediate exigencies, but only in contemplation of future distant service and a protracted war.

The President has already in the field 24,984 men. Of these 8,473 are regulars, and 16,511 volunteers. He has already enlisted 1,500 more regulars, and about 9,000 more volunteers, making an aggregate force of about 36,000. He has authority, under existing laws, to increase the regular force to 17,000 and the volunteers to 50,000, making an aggregate force of 67,000 men. And now he calls for authority to raise 10,000 more of regulars. To what end is this vast array of military power? The enlistment is to be during the war, or for five years. It cannot be completed under a year and a half or two years. What visions of protracted conflict do these facts unfold!

The proviso of the bill authorizes the President to appoint the officers of these ten regiments during the recess of Congress, and to report them to the Senate at their next session. This proviso proves that these regiments are not expected to be in readiness for any present support or relief of the troops in Mexico. The officers are not to be appointed until Congress has adjourned. What a power is this to confer on the President! Nobody imagines that the Senate can exercise any effective check upon appointments so made, and when the officers are once at their posts. Four or five hundred commissions, of all grades, from brigadier-generals down to lieutenants, are thus to be placed in the hands of the President. How many of them are to be dangled in the eyes of members of this House, with the view of carrying measures which seem now to meet with no particular favor, remains to be seen.

But the great objection to the bill is the policy which it discloses. In proposing this measure and that of the Lieutenant-General, the Administration virtually call upon Congress to sanction the ultra and extravagant policy which they have recently adopted in regard to this war. I say recently adopted, for it is plain that a new spirit has come over the dream of the Executive on this subject.

On the 11th of November last the Secretary of War addressed a letter, which is in print, to a gentleman in Kentucky, in which he said: "It is proper, however, to say that the amount of force already in service is deemed sufficient for the prosecution of the war."

On the 16th day of the same November he issued a requisition for ten new regiments of volunteers to serve during the war. What occurred during these five days to change the whole policy of the Administration has never been disclosed, but it is plain that a marvellous change was wrought. And in pursuance of it, these ten new regiments of regulars are now called for. This new policy can be nothing less than one of invasion and conquest.

The report of the Committee on Foreign Affairs in June last said: "Texas, and indemnity for wrongs confessed by several treaties, coasts and borders in tranquil possession without trans-

atlantic interference, are all we insist upon. It will be Mexican infatuation, should the contest become one of races, of borders, of conquest, and of territorial extension."

Mexican infatuation, I presume, Sir, is at length sufficiently manifested, and this contest of races, borders, conquest, and territorial extension is to be commenced. And this contest Congress is now called upon to sanction. If it be not so, the President can inform us. But if, as I cannot doubt, this be the policy, I am entirely opposed to it, and I feel bound to express that opposition in the most unequivocal terms.

## THE CONQUEST OF MEXICAN TERRITORY.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, FEBRUARY, 22, 1847.

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The Army Bill being under consideration in Committee of the Whole on the state of the Union,—

Mr. WINTHROP moved to add the following provisos to the first clause of the bill :

*Provided*, That no more than a proportionate amount of the money appropriated by the two first sections of this bill shall be expended during any one quarter of the year for which said appropriations are made.

*“ Provided, also*, That so much of said appropriations as shall be unexpended at the next meeting of Congress, shall be subject to reconsideration and revocation.

*“ Provided, further*, That these appropriations are made with no view of sanctioning any prosecution of the existing war with Mexico for the acquisition of territory to form new States to be added to the Union, or for the dismemberment in any way of the Republic of Mexico.”

The question having been stated, Mr. WINTHROP addressed the Committee as follows :—

THERE are few things, Mr. Chairman, more trying to the temper of one who has any reverence for order, or any regard for appropriateness, than the course of proceedings in this House. It was a saying of Solomon, “a word spoken in due season, how good is it!” Another of his proverbs compared such a word to “apples of gold in pictures of silver.” But it would have puzzled even Solomon himself to realize his own ideas in such a body as this. There seems to be no such thing as saying a seasonable word in this House. No man can say the thing he wishes to say, at the time he wishes to say it. One must be



always out of season, either for himself, or for the House, or for the subject, or perhaps for all at once.

My own experience upon this point does not differ materially, I am sure, from that of those around me. A few weeks ago I desired to say something about the Loan bill. What happened? It was whipped through the House at the rate of half a million a minute. One hour of discussion was allowed for a bill of twenty-eight millions of dollars! Nothing remained for all of us but silent votes.

Next came the Three Million bill. I desired to say a word about that. But, after struggling for the floor for two or three days, I was compelled to content myself with an unexplained vote upon that bill also.

Last week I had proposed to make a few remarks upon the Army bill, which, it was understood, was to form the subject of debate on Friday and Saturday. Other business intervened, and no Army bill was brought forward.

This morning I came into the House prepared to enter upon the discussion of the new Tariff bill, which the chairman of the Committee of Ways and Means had given us formal notice would be taken up to-day. But the new Tariff bill is now passed over, and lo! the Army bill is before us.

Well, Sir, I will not complain. I ought to be too grateful, perhaps, for getting the floor at all, amidst such a crowd of competitors, to indulge in any fault-finding on the occasion. At any rate, I will seize the moment as it flies; revert, as well as I can, to my last week's preparations, and proceed, without further preface, to the consideration of the bill which has just been read.

As one of the members of the committee by which this bill has been framed, I feel bound to call the attention of the House and of the country to its peculiar and extraordinary character. Undoubtedly, Sir, it is the great bill of the session. It appropriates a sum of money little short of thirty millions of dollars to the military service of the Government. The amendments which will be moved, under the authority of the Committee of Ways and Means, will probably swell the amount considerably beyond that sum.\* It has been prepared in conformity with

\*The whole sum appropriated by this bill, as it finally passed the House, was \$34,545,389.37.

estimates from the Departments, looking to the most vigorous prosecution of the existing war. More than fourteen millions of dollars are appropriated to "transportation and supplies in the Quartermaster's Department" — an item having unquestionable reference to further, and still further, invasion of the territories of Mexico. Finally, Sir, this bill runs through a period of sixteen months from this 22d day of February, and provides for supporting and prosecuting this war to the 30th day of June, 1848!

Mr. Chairman, the Congress of the United States to-day has some control over the Executive in relation to this war. To-day, discussion in regard to its ends and objects, its conduct and its conclusion, is something more than empty breath. To-day, the Representatives of the people have the reins in their own hands. But pass this bill; pass it without proviso or limitation; and to-morrow the President is out of our reach. We have given him a *carte blanche*. We have given him a charter wide as the wind. We have surrendered the purse to the same hands which already hold the sword, and have virtually said to him, "March on, slay, burn, sack, plunder, at your own sovereign will and pleasure. So far as thirty millions of dollars for the land forces alone (to say nothing of ten or twelve millions more for the navy) will serve your turn, you have unlimited discretion to invade and conquer for sixteen months to come!"

This, Sir, is the language of this bill, as it stands. Is it republican language? Is it democratic language? Is it constitutional language?

Are you aware, Mr. Chairman, is this House aware, that the Parliament of Great Britain, omnipotent as it is often called, have never ventured of late years to pass such a bill as this? The British Parliament, in all the plenitude of its power, could not pass this bill, without violating one of the principles of the constitution of the realm. That principle, unwritten, indeed, but firmly established by the practice of a long series of years, is, that appropriations for the support of standing armies should not be made for a longer term than a single year.

Our own Constitution is explicit upon the subject. Congress shall have power, it says, "to raise and support armies, but no

appropriation of money to that use shall be for a longer term than two years." This bill keeps carefully within the letter of the Constitution; but how far does it conform to the spirit of the instrument? Who can doubt that this limitation of two years had reference to the Congressional term — to the official tenure of the Representatives of the people? Who can question that this limitation was intended to secure to each successive Congress the right and the opportunity of controlling the supplies for the army during its own term, and to prevent the representatives of the people, at any time, from forestalling the action of their freshly chosen successors?

Now, Sir, what are we doing here to-day? The term of the present Congress is on the eve of expiration. In less than another fortnight, this body will have finished its work, for good or for evil, and will be dissolved. A new Congress is already in part elected. By the theory of the Constitution, it will be in existence on the morning of the 4th of March next. It ought to be practically in existence on that day, ready to proceed, at the summons of the Executive, to the discharge of its duties. At all events, its constitutional term commences on that day; and on that day the functions and the authority of the present Congress are at an end. And yet here we are, in this last hour of our existence, proposing to stretch out a dead hand over sixteen months out of the twenty-four months of the term of our successors — over two thirds of their whole official existence — and to foreclose, for that long period, all right, or certainly all power, on their part, to control the course of the Government upon so momentous a subject as the prosecution of a war of invasion and conquest! The Representatives of the people, freshly chosen, are, according to this bill, to have no voice as to the number of the standing army of the country, or as to its employment and support, at home or abroad, for sixteen months from the commencement of their term!

Sir, this is a new course of proceeding in this country. It never was known till now, in time of war. It has been known but for a few years in time of peace. Until 1843 our appropriation bills ran from January to January. A change of the fiscal year was then made as a matter of convenience. I have no

doubt that it has proved a matter of great convenience; and, as an arrangement for a time of peace, I do not object to it. But I utterly protest against its being applied under the present circumstances of the country, and to the extent to which this bill proposes to carry it.

In my judgment, Sir, a due regard to republican principles, to the spirit of the Constitution, and to the rights of the people as committed to their representatives, would demand of us to forbear from making appropriations which should render the Executive independent of the Legislative department in the prosecution of this war, not merely beyond December next, when the new Congress would regularly be assembled, but even beyond the earliest day at which that Congress could be convened under a call from the President.

I have no fancy for extra sessions of Congress. Nothing would be less convenient or less agreeable to myself personally than to be called here in June or July. But it is not what you or I might find agreeable or convenient, that we are called on to consider at such a moment as this, but what the principles of the Constitution and the interests of the country require.

Still less are we at liberty to shape our legislation according to the likings or dislikings of the President. I have no idea that the President desires us to leave him under any necessity to summon a new Congress. He has given abundant evidence of his disposition to do without Congress altogether. A more edifying chapter will never be found in our history, than that which shall fully and faithfully record the encroachments of the Executive upon the Legislative authority during the two last years. The first march of the American army across the Sabine — where was the constitutional power of the President to direct that? The annexation of Texas to this Union was not then consummated. Six months were yet to elapse before that act was to be completed. Doubtless this Government had incurred some obligation to defend Texas from the consequences to which that measure had exposed her. But that was an obligation for Congress to recognize — for Congress to provide for. The President, however, determined to do without Congress, and took the responsibility of marching our armies into a foreign country.

A more palpable violation of the Constitution was never perpetrated.

Then came the march across the Nueces, into a territory which Congress had expressly declared to be a disputed territory. Sir, the determination of the President to do without Congress, to avoid and evade its legitimate control, was the more signal in this case, from the fact that Congress was at that moment in session. It would only have required a message from one end of Pennsylvania avenue to the other, to have enabled the President to obtain the opinion and decision of the Senate and House of Representatives of the United States upon a movement, which was the indisputable source and spring of this Mexican war. But the President knew that the decision of Congress would be against any such movement. He determined, therefore, to do without Congress, and issued an order for the march secretly, stealthily, and upon his own unwarranted authority. I repeat, then, Mr. Chairman, without detaining the committee with other and obvious instances, that the willingness of the President to do without Congress is quite too manifest; and that it is not to his likings or dislikings, but to our own constitutional rights and responsibilities, that we ought to look, in deciding how far it is fit to place him beyond the reach of legislative control and restraint, and how long it is fit to leave him there.

Let it not be forgotten, Sir, that during the last war Congress was never out of session for more than three or four months at a time. The truly democratic President of that day, James Madison, would never have dreamed of doing without Congress for sixteen months in time of war. But the democratic Congress of that day did not wait for the Executive to summon them. They adjourned themselves from time to time. If their term ended in March, they appointed a meeting for the new Congress in July; if they closed a session in July, they adjourned to meet in November. They plainly regarded it as their constitutional right, and their constitutional duty, to watch over the progress of the war, and to provide *pro re nata* for its exigencies and its emergencies.

And this, unquestionably, Mr. Chairman, is the duty of Con-

gress now. The new Congress, fresh from the people, ought to decide, and ought to be left free to decide, what shall be done in relation to this Mexican war, and what provisions shall be made for its future prosecution during the next two years. Sir, an appeal has been made to the people on this very subject. Their representatives have been chosen in many cases, and are on the point of being chosen in many other cases, with reference to this war. The war has been condemned in many parts of the country, and is doomed to condemnation in many other parts. How few of us are to be our own successors (if I may so speak) in the next Congress! Everybody knows that there will be a very different state of parties in this House next year, even if majorities and minorities should not absolutely change sides. And is the revolution of popular sentiment, thus indicated, to be deprived of all operation and influence upon this odious war for a year and a half to come? Is that your idea of democracy? Sir, if the Administration insist upon pressing these enormous supplies through the House in this last week of its official existence, it will be because they know that the new Congress would not grant them, and because they intend to persist in the prosecution of the war in defiance of the plainest manifestations of the will of the people!

And here let me remind the committee, that there is nothing in this bill to prevent the President from employing this whole vast sum of thirty millions of dollars in a single month. After the first day of July next the whole of it will be at his disposal. He may spend it all in one mad and desperate onslaught upon Mexico, and come back upon Congress in December to supply the deficiencies of the year!

Sir, have we not built up the Executive power of this country to a sufficiently fearful height already? We have given the President a standing army of nearly thirty thousand men. We have authorized him to appoint four or five hundred officers in the ten new regiments, upon his own responsibility, without any appeal to the Senate. We have heard of the "King's Own" and the "Queen's Own" in other countries: these regiments are clearly "the President's Own," "Polk's Own." We have authorized him to employ fifty thousand volunteers, and he has called

upon us to extend this authority. We now propose to give him thirty millions of dollars without limitation or condition, and to bid him ride on, conquering and to conquer, for a year and a half, unless in the mean time he shall want more money! Once more I ask, is this Democracy?

Mr. Chairman, I have intimated on another occasion that I do not go so far as some of my friends in regard to the propriety or expediency of withholding all supplies from the Executive. While a foreign nation is still in arms against us, I would limit the supplies to some reasonable scale of defence, and not withhold them altogether. I would pay for all services of regulars or volunteers already contracted for. I would provide ample means to prevent our army from suffering, whether from the foe or from famine, as long as they are in the field under constitutional authority. Heaven forbid that our gallant troops should be left to perish for want of supplies because they are on a foreign soil, while they are liable to be shot down by the command of their own officers if they refuse to remain there! But I cannot regard it as consistent with constitutional or republican principles to pass this bill as it now stands. Even if I approved the war, I should regard such a course of legislation as unwarrantable. Disapproving it, as I unequivocally and unqualifiedly do, I am the more induced to interpose these objections to its adoption.

Sir, this whole Executive policy of overrunning Mexico to obtain territorial indemnities for pecuniary claims and the expenses of the war, is abhorrent to every idea of humanity and of honor. For one, I do not desire the acquisition of one inch of territory by conquest. I desire to see no fields of blood annexed to this Union, whether the price of the treachery by which they have been procured shall be three million pieces of silver or only thirty! I want no more areas of freedom. *Area*, if I remember right, signified threshing-floor, in my old school dictionary. We have had enough of these areas, whether of freedom or slavery; and I trust this war will be brought to a close without multiplying or extending them.

I repeat this the more emphatically, lest my vote in favor of the Three Million bill should be misinterpreted. Nothing was further from my intention, in giving that vote, than to sanction

the policy of the Executive in regard to the territories of Mexico. If he insists, indeed, on pursuing that policy, and if a majority of Congress insist on giving him the means, I prefer purchase to conquest; and had rather authorize the expenditure of three millions to pay Mexico, than of thirty millions to whip her. But everybody must have understood that the proviso was a virtual nullification of the bill, for any purpose of acquiring territory, in the hands of a Southern administration.

It was for that proviso that I voted. I wished to get the great principle which it embodied fairly on the statute-book. I believe it to be a perfectly constitutional principle, and an eminently conservative principle.

Sir, those who undertake to dispute the constitutionality of that principle must rule out of existence something more than the immortal ordinance of 1787. My honorable friend from South Carolina (Mr. Burt) reminded us the other day that Mr. Madison, in the *Federalist*, had cast some doubt on the authority of the Confederation Congress to pass that ordinance. He did so. But with what view, Sir? Not to bring that act into discredit, but to enforce upon the people of the United States the importance of adopting a new system of government, under which such acts might henceforth be rightfully done. This new system of government was adopted. The Constitution was established. In the very terms of that Constitution is found a provision recognizing the authority of Congress to prevent the extension of slavery, after a certain number of years, "in the existing States," and to prevent its introduction into the territories immediately. What more? During the first session of the first Congress of the United States, under this new Constitution, this same Northwestern ordinance, with its anti-slavery clause, was solemnly recognized and reënacted. This is a fact never before noticed, to my knowledge, and one to which I beg the attention of the House. Here is the eighth act of the first session of the first Congress. Listen to the preamble :

"Whereas, in order that the ordinance of the United States, in Congress assembled for the government of the territory northwest of the river Ohio, may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States :

*"Be it enacted," &c.*



Then follow a few formal changes in regard to the Governor and other officers. The sixth article of the ordinance remains untouched. Mr. Madison was a member of this first Congress, as were many others of those most distinguished in framing the new Constitution. And this bill passed both branches without objection, and without any division, except upon some immaterial amendments.

Here, then, we find the very framers of the Constitution themselves, in the first year of its adoption, applying the principle of the Wilnot proviso to all the territories which the General Government then possessed, without compromise as to latitude or longitude. These territories were as much the fruit of the common sacrifices, common toils, and common blood of all the States, as any which can now be conquered from Mexico. They were the joint and common property of the several States. The ordinance was unanimously adopted in 1787, and was reenacted unanimously in 1789. Madison, who had questioned the authority of the Congress of the Confederation to pass it originally, voted for it himself in the Congress of the Constitution, and all his colleagues from the slaveholding States voted for it with him. Sir, if the constitutionality of such an act can now be disputed, I know not what principle of the Constitution can be considered as settled.

I have said that I regarded this principle as eminently conservative, as well as entirely constitutional. I do believe, Sir, that whenever the principle of this proviso shall be irrevocably established, shall be considered as unchangeable as the laws of the Medes and Persians, then, and not till then, we shall have permanent peace with other countries, and fixed boundaries for our own country. It is plain that there are two parties in the free States. Both of them are opposed, uncompromisingly opposed, as I hope and believe, to the extension of slavery. One of them, however, and that the party of the present Administration, are for the widest extension of territory, subject to the anti-slavery proviso. The other of them, and that the party to which I have the honor to belong, are, as I believe, content with the Union as it is, desire no annexation of new States, and are utterly opposed to the prosecution of this war for any purpose

of dismembering Mexico. Between these two parties in the free States, the South holds the balance of power. It may always hold it. If now, therefore, it will join in putting an end to this war, and in arresting the march of conquest upon which our armies have entered, the limits of the Republic as well as the limits of slavery may be finally established.

It is in this view that I believe the principle of the Wilmot proviso to be the great conservative principle of the day, and it is in this view that I desire to place it immutably upon our statute-book. The South has no cause to be jealous of such a movement from our side of the House. The South should rather welcome it—the whole country should welcome it—as an overture of domestic peace.

Sir, much as I deplore the war in which we are involved—deeply as I regret the whole policy of annexation—if the result of these measures should be to ingraft the policy of this proviso permanently and ineradicably upon our American system, I should regard it as a blessing cheaply purchased. Good would, indeed, have been brought out of evil; and we should be almost ready to say, with the great dramatist of old England:

“If after every tempest comes such calm,  
Let the winds blow till they have wakened death.”

Yes, Sir, in that event, instead of indulging in any more jeers and taunts upon the lone Star of Texas, we might rather hail it as the star of hope, and promise, and peace, and might be moved to apply to it the language of another great English poet:

“Fairest of Stars! *last in the train of night,*  
If better thou belong not to the dawn.”

If we could at last lay down permanently the boundaries of our Republic; if we could feel that we had extinguished forever the lust of extended dominion in the bosoms of the American people; if we could present that old god, Terminus, of whom we have heard such eloquent mention elsewhere, not with outstretched arm still pointing to new territories in the distance, but with limbs lopped off, as the Romans sometimes represented him, betokening that he had reached his very furthest goal; if

we could be assured that our limits were to be no further advanced, either by purchase or conquest, by fraud or by force; then, then, we might feel that we had taken a bond of fate for the perpetuation of our Union.

It is in this spirit that I voted for the proviso in the Three Million bill. It is in this spirit that I offer the third proviso to the Thirty Million bill before us. Pass them both; cut off, by one and the same stroke, all idea both of the extension of slavery and the extension of territory; and we shall neither need the three millions nor the thirty millions, for securing peace and harmony, both at home and abroad.

I perceive, however, Mr. Chairman, that this result is not yet to be accomplished. The bill before us will become a law, without proviso or condition of any kind. The tremendous power of purse and sword combined, is to be conferred on the President, and he is to be left to wield it upon his own responsibility for a full year to come. O, Sir, let him remember that, though "it is excellent to have a giant's strength, it is tyrannous to use it like a giant!" Let him remember that, though we may relieve him from all responsibility to us, his responsibility to his country and to his God remains. The President can make peace with Mexico, if he pleases to do so. He has proved that he can usurp authority to make war; let him show that he is willing to employ the authority constitutionally conferred upon him, to make peace. I repeat, Sir, he can make peace if he will. He can stop fighting. He can agree to an armistice. He can signify to Mexico that he has no design to dismember her domain or destroy her independence. He can withdraw his armies to the Rio Grande. Peace would follow these steps, as surely as the day the night.

Two occasions, Mr. Chairman, have already occurred, when the President might have put an end to this war with the highest honor to himself and to the country. If, after the battles of the Rio Grande, he had forbore from all further invasion, contented himself with the triumphs already achieved and the territory already acquired, and placed himself entirely on the defensive, the war could not have survived the summer. If, again, after the successful storming of Monterey—an exploit which

will not suffer by comparison with any thing in the military annals of the world — he had taken advantage of the terms of capitulation which the brave and generous Taylor had so humanely and so wisely sanctioned, and had adopted the plan of masterly inactivity which that sagacious General proposed, an honorable peace might have been looked for at an early day. But a mad spirit of aggression and conquest was still destined to prevail. The capitulation was denounced. An officer was despatched, posthaste, to disavow and break up the armistice. The brilliant achievement of our armies was disparaged. Their noble-hearted commander was not even named in the Executive message. And a cry for more Mexican blood went forth from all the organs of the Administration.

And now, Sir, if I mistake not, a third opportunity is about to be offered for ending this war with whatever distinction may attach to military and naval success. A blow is about to be struck at Vera Cruz. It can hardly fail to be successful. That far-famed castle will be surrendered to our arms, as it lately was to those of France. All that gallant troops and brave tars can do, in that quarter, will be done; and victorious wreaths will once more adorn the brow of the veteran Scott.

And why should not the war end here? What object is to be gained by further fighting? Does the President propose to hold this castle? Why, Sir, I am informed, by one who knows, that even the Mexican garrison, composed of acclimated men, to whom the *malaria* of that region had been their daily breath from infancy, were dying there last summer at the rate of thirty men a day. How many of an American garrison can live there? Does the President propose to march to the capital of Mexico? Our armies may reach it; but it will only be to realize the idea which Dr. Franklin expressed in regard to the British armies in 1777, when they reached the capital of Pennsylvania. "Sir William Howe," said he, "has not taken Philadelphia; it is Philadelphia which has taken Sir William Howe."

Mr. Chairman, the President must abandon the absurd idea that he can only obtain peace by conquering it. The only conquest which is now needed, in order to secure peace, is that

noblest of all conquests, in which fortune has no share, a conquest over himself; and would to Heaven that we could vote him supplies enough of true courage and real patriotism to enable him to achieve it! He has only to conquer his own self-will, his own pride of opinion, his own ambition to associate his name with the acquisition of more territory, and we can have peace to-morrow! Let him but stop fighting, declare an armistice, and disclaim all idea of spoliation or dismemberment, and then, however we may continue to quarrel about the declaration that "war exists by the act of Mexico," we shall all be able to agree that "peace exists by the act of the President." And, Sir, if he should live a thousand years, he will never win a nobler tribute than this.

Before taking my seat, Mr. Chairman, as the clock warns me I shall soon be obliged to do, I propose to make a few remarks on the new tariff which has been brought forward by the Committee of Ways and Means to furnish the sinews of this war. I remember that, some seven or eight years ago, a paper was sent to the table of the House of Representatives of Massachusetts, which it became my official duty to announce, and which, either from ignorance or accident, was indorsed, "*Remonstrance against the Annexation of Taxes.*" This mistake has proved to have been quite premonitory. It was very much like spelling *lone* star, l-o-a-n. Loans and taxes are the legitimate fruits of the great measure of annexation. We have had a loan bill, and we now have a tax bill. For the first I have already voted. For the last, as it now stands, I shall not vote; and I desire to state some of the general views which govern me in this course.

I am ready, Sir, now and at all times, to unite in maintaining the national credit. I do not desire to see the evils of an odious war multiplied and aggravated by disordered finances and a bankrupt Treasury. If our armies are to be kept afoot, wherever they may be, and in whatever numbers they may be, I am for having means enough in the Treasury for feeding them, and clothing them, and paying them. I am for paying them, too if possible, not with depreciated paper, but in a sound redeemable currency. I desire to leave the Administration no apology or pretence for supporting our troops by a system of pillage and plunder in the enemy's country.

There are purposes of peace, too, which require money. There are just debts to be paid, important establishments to be supported, cherished institutions to be maintained, noble charities to be administered; and the Treasury must be supplied to meet the requirements of them all.

With these views I voted for the loan bill. I believed it to be a necessary provision for sustaining the public credit. I believed, and still believe, that even should the Administration reconsider and reverse the rash policy they have adopted, and proceed to prosecute a peace as vigorously as they have prosecuted the war, the loan would still be indispensable.

Now, Sir, let it be noted, that by this loan bill we have given the Administration the precise amount of pecuniary means which the Secretary of the Treasury considered necessary. He asked for authority to reissue five millions of Treasury notes. We have given it to him. He said that he should need authority to borrow twenty-three millions more, in case no additional revenue was raised, but that if duties were laid on tea and coffee, and the land graduation system was adopted, he should only require nineteen millions. We have given him the twenty-three millions. I moved to reduce the amount to nineteen, and the House rejected the motion. Yet now he is found calling upon us for the additional revenue besides; and the President unites with him in a fervent appeal to our patriotism to lay a tax upon tea and coffee!

The Secretary tell us that these duties are essential to enable him to negotiate the loan. It is not so, Sir. You have held out such a tempting bait to capitalists, both foreign and domestic, by the terms of the loan, that, from present appearances, it will be negotiated quite too readily. But, if it were not so, there is another and a better way than by the provisions of any new tariff bill, by which its negotiation may be secured.

It is one of the great beauties of this system of loans that it appeals to the confidence of the people. It bears the same relation to the finances, which the volunteer system bears to the military forces of the country. There must be good will towards the Government, and something of trust and confidence in its policy, or neither of these systems can be successful. Confi-

dence is the one thing needful for the public credit; and this confidence must exist in the right quarter.

The venerable Gallatin has given us a seasonable hint on these points, in the pamphlet on the Oregon question which he published last year. He tells us in what quarter, and by what means, the Government must obtain these loans :

" There is as yet (says he) but very little active circulating capital in the new States; they cannot lend; they, on the contrary, want to borrow money. This can be obtained in the shape of loans only from the capitalists of the Atlantic States. A recurrence to public documents will show that all the loans of the last war were obtained in that quarter."

And again :

" When our Government relies on the people for being sustained in making war, its confidence must be entire. They must be told the whole truth; and, if they are really in favor of the war, they will cheerfully sustain the Government in all the measures necessary to carry it into effect."

Now, Sir, if the President desires to create an entire confidence in the public credit, and to render his loans easy of negotiation, he must let the people of the country understand where this war is to end. He must tell them the whole truth. He must disclaim these indefinite ideas of national aggrandizement. He must abandon the purpose of dismembering Mexico. He must dissipate that dark cloud of disunion, which is seen hovering over us as often as we agitate the question of an extension of territory. He must give assurance that peace is to be restored and the Union preserved; and he can then have all the money which may be wanted at a moment's warning. This, Sir, is the way, and this the only way, of creating real confidence in the right quarter.

But if it were true, Mr. Chairman, that additional taxes were necessary at this moment to sustain the public credit, this little bill, which has been reported by the Committee of Ways and Means, would do little or nothing toward such an end. Why, there is something almost ridiculous in the introduction of such a bill for such an emergency as the present. Here we are, with a public debt of fifty millions already created, and with an annual expenditure of more than fifty millions already authorized, and how do we propose to provide for it? We call upon

the Secretary for his grand *projet*, and what does he present to us? A few additional duties on a little iron and coal and sugar and on two descriptions of cottons, twenty per cent. on tea and coffee, and a graduation of the price of the public lands! I am wrong, Sir. The Secretary of the Treasury disclaims recommending the duties on iron, and coal, and sugar, and cottons. I am not surprised at it either; for the whole yield of them all would be too insignificant to be worthy even of his attention. From the best accounts I can get, the duties on one description of cottons would yield absolutely nothing, as none of them are imported. The Secretary has been loud in his complaints about minimums. Sir, this whole bill is a minimum; and a friend near me well suggests that it is worthy of a minimum Administration. Certainly, it is the very smallest bill that was ever reported in any country to meet so great an exigency. Three millions a year is the largest estimate which anybody can make of the revenue which will be derived from it; it will probably not exceed two millions and a half. Seriously, Mr. Chairman, such a bill, in my judgment, is more likely to injure the public credit than to sustain it. If we do any thing at this moment, we should do enough to impress capitalists with the idea that we are not afraid to tax. We should go for raising eight or ten millions more revenue at the least. With specific duties, and proper discriminations, we might easily accomplish that result. And until specific duties and proper discriminations are reëstablished, we shall have no sound, productive, permanent revenue system.

The Secretary is indeed pluming himself greatly on the operation of his new tariff. Undoubtedly, Sir, it has thus far yielded somewhat more than was anticipated. But one swallow does not make a summer. One month's operation is no test of a tariff. Nor is this a moment when any fair calculation can be made of its real results. There are too many disturbing causes. There is a war on this side of the ocean, and a famine on the other; no potatoes in Ireland; short grain crops all over Europe; a second short cotton crop in our Southern States. A general derangement of commerce and currency has ensued, which happens to enure greatly to our benefit. You might as well judge of the ordinary height of the waves by the tossings and



hevings of an equinoctial gale, as of the legitimate tendencies of the new tariff during such a financial storm as now surrounds us. Mr. Walker should employ Mr. Espy to make his calculations for the present year.

Sir, I have no confidence in this new system. The people have no confidence in it. It is based upon false principles. It defies all experience. It abandons all protection of our own labor; and, sooner or later, it will prove to be utterly insufficient as a revenue measure. For one, therefore, I am not for propping it up by any such little bill as is now submitted to us. I am not for eking out the insufficiencies of a horizontal tariff by taxes upon tea and coffee. I am not for supplying means for an unjust war upon a foreign nation, by an unjust war upon our domestic industry. I go rather, Sir, for the things which make for peace, and the things by which we may build up one another.

## NOTE.

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### VOTE IN THE HOUSE OF REPRESENTATIVES ON MR. WINTHROP'S PROVISIO, TUESDAY, FEBRUARY 23.

THE following Proviso, moved by Mr. Winthrop to be added to the bill appropriating money for defraying the expenses of the forces engaged in the present war and of the army generally, being under consideration, namely :

*" Provided, further, That these appropriations are made with no view of sanctioning any prosecution of the existing war with Mexico for the acquisition of territory to form new States to be added to the Union, or for the dismemberment in any way of the Republic of Mexico : "*

the question on agreeing thereto was taken by yeas and nays and decided as follows : —

YEAS. — Messrs. Abbott, Arnold, Ashmun, Barringer, Bell, Blanchard, Milton Brown, Buffington, William W. Campbell, Carroll, John G. Chapman, Cocke, Collamer, Cranston, Crozier, Darragh, Delano, Dixon, Dockery, John H. Ewing, Edwin H. Ewing, Foot, Gentry, Giddings, Graham, Grider, Grinnell, Hale, Hampton, Harper, Henry, Hilliard, Elias B. Holmes, John W. Houston, Samuel D. Hubbard, Hudson, Washington Hunt, Joseph R. Ingersoll, Daniel P. King, Thomas B. King, Lewis, McGaughey, McHenry, McIlvaine, Marsh, Miller, Moseley, Pendleton, Pollock, Ramsey, Ripley, Julius Rockwell, John A. Rockwell, Root, Runk, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Caleb B. Smith, Stephens, Strohm, Thibodeaux, Thomasson, Benjamin Thompson, Tilden, Toombs, Trumbo, Vance, Vinton, White, Winthrop, Woodruff, Wright, Young. — 76.

NAYS. — Messrs. Stephen Adams, Atkinson, Bedinger, Benton, Biggs, James Black, James A. Black, Bowdon, Bowlin, Boyd, Brinkerhoff, Brockenbrough, Brodhead, Wm. G. Brown, Burt, Cathcart, Augustus A. Chapman, Reuben Chapman, Chase, Chipman, Clarke, Cobb, Collin, Cottrell, Cullum, Cummins, Cunningham, De Mott, Dillingham, Dobbin, Douglass, Dromgoole, Dunlap, Edsall, Ellet, Ellsworth, Erdman, Faran, Ficklin, Foster, Fries, Garvin, Giles, Goodyear, Gordon, Grover, Hamlin, Harmanson, Hastings, Henley, Hoge, Hop-

kins, Hough, George S. Houston, Edmund W. Hubbard, Hungerford, James B. Hunt, Hunter, Charles J. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones, Kauffman, Kennedy, Preston King, Lawrence, Leake, Leffler, La Sere, Ligon, Long, Lumpkin, Maclay, McClean, McClelland, McClernand, McCrate, McDaniel, Joseph J. McDowell, James McDowell, McKay, John P. Martin, Barclay Martin, Morris, Moulton, Newton, Niven, Norris, Owen, Parrish, Payne, Perry, Phelps, Pillsbury, Reid, Relfe, Ritter, Roberts, Russell, Sawtelle, Sawyer, Scammon, Seddon, Alexander D. Sims, Simpson, Thomas Smith, Robert Smith, Stanton, Starkweather, St. John, James Thompson, Jacob Thompson, Thurman, Tibbatts, Towns, Tredway, Wentworth, Wick, Williams, Wilmot, Woodward, Yost. — 124.

## ADDRESS ON TAKING THE CHAIR AS SPEAKER.

ADDRESS DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, DECEMBER 6, 1947.

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GENTLEMEN OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,—

I AM deeply sensible of the honor which you have conferred upon me by the vote which has just been announced, and I pray leave to express my grateful acknowledgments to those who have thought me worthy of so distinguished a mark of their confidence.

When I remember by whom this chair has been filled in other years, and, still more, when I reflect on the constitutional character of the body before me, I cannot but feel that you have assigned me a position worthy of any man's ambition, and far above the rightful reach of my own.

I approach the discharge of its duties with a profound impression at once of their dignity and of their difficulty.

Seven years of service as a member of this branch of the National Legislature have more than sufficed to teach me, that this is no place of mere formal routine or ceremonious repose. Severe labors, perplexing cares, trying responsibilities, await any one who is called to it, even under the most auspicious and favorable circumstances. How, then, can I help trembling at the task which you have imposed upon me, in the existing condition of this House and of the country?

In a time of war, in a time of high political excitement, in a time of momentous national controversy, I see before me the Representatives of the People almost equally divided, not merely

as the votes of this morning have already indicated, in their preference for persons, but in opinion and in principle, on many of the most important questions on which they have assembled to deliberate.

May I not reasonably claim, in advance, from you all, something more than an ordinary measure of forbearance and indulgence, for whatever of inability I may manifest in meeting the exigencies and embarrassments which I cannot hope to escape? And may I not reasonably implore, with something more than common fervency, upon your labors and upon my own, the blessing of that Almighty Power, whose recorded attribute it is that "He maketh men to be of one mind in a house?"

Let us enter, gentlemen, upon our work of legislation with a solemn sense of our responsibility to God and to our country. However we may be divided on questions of immediate policy, we are united by the closest ties of permanent interest and permanent obligation. We are the representatives of twenty millions of people, bound together by common laws and a common liberty. A common flag floats daily over us, on which there is not one of us who would see a stain rest, and from which there is not one of us who would see a star struck. And we have a common Constitution, to which the oaths of allegiance, which it will be my first duty to administer to you, will be only, I am persuaded, the formal expression of those sentiments of devotion which are already cherished in all our hearts.

There may be differences of opinion as to the powers which this Constitution confers upon us; but the purposes for which it was created are inscribed upon its face, in language which cannot be misunderstood. It was ordained and established "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity."

Union, justice, domestic tranquillity, the common defence, the general welfare, and the security of liberty for us and for those who shall come after us, are thus the great objects for which we are to exercise whatever powers have been intrusted to us. And I hazard nothing in saying that there have been few periods in

our national history, when the eyes of the whole people have been turned more intently and more anxiously towards the Capitol, than they are at this moment, to see what is to be done, here and now, for the vindication and promotion of these lofty ends.

Let us resolve, then, that those eyes shall at least witness on our part, duties discharged with diligence, deliberations conducted with dignity, and efforts honestly and earnestly made for the peace, prosperity, and honor of the country.

I shall esteem it the highest privilege of my public life, if I shall be permitted to contribute any thing to these results, by a faithful and impartial administration of the office which I have now accepted.

## NOTE.

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THE following correspondence belongs to the history of the election of Speaker, at the opening of the 30th Congress.

56 COLEMAN'S, WASHINGTON,  
*December 5, 1847.*

DEAR SIR: It would give me pleasure to aid, by my vote, in placing you in the Chair of the House of Representatives. But I have no personal hopes or fears to dictate my course in the matter, and the great consideration for me must be that of the policy which the Speaker will impress on the action of the House.

Not to trouble you with suggestions as to subordinate points, there are some leading questions on which it may be presumed that you have a settled purpose. May I respectfully inquire, whether, if elected Speaker, it is your intention,—

So to constitute the Committees of Foreign Relations and of Ways and Means as to arrest the existing war?

So to constitute the Committee on the Judiciary, as to favor the repeal of the law of February 12, 1793, which denies trial by jury to persons charged with being slaves; to give a fair and favorable consideration to the question of the repeal of those Acts of Congress which now sustain slavery in this District; and to further such measures as may be in the power of Congress to remedy the grievances of which Massachusetts complains at the hands of South Carolina, in respect to ill-treatment of her citizens?

I should feel much obliged to you for a reply at your early convenience, and I should be happy to be permitted to communicate it, or its substance, to some gentlemen who entertain similar views to mine, on this class of questions.

I am, dear Sir, with great personal esteem, your friend and servant,

JOHN G. PALFREY.

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WASHINGTON, COLEMAN'S HOTEL,  
*December 5, 1847.*

DEAR SIR: Your letter of to-day has this moment been handed to me.

I am greatly obliged by the disposition you express "to aid in placing me in the Chair of the House of Representatives." But I must be perfectly candid in

saying to you, that if I am to occupy that Chair, I must go into it without pledges of any sort.

I have not sought the place. I have solicited no man's vote. At a meeting of the Whig members of the House last evening, (at which, however, I believe you were not present,) I was formally nominated as the Whig candidate for Speaker, and I have accepted the nomination.

But I have uniformly said to all who have inquired of me, that my policy in organizing the House must be sought for in my general conduct and character as a public man.

I have been for seven years a member of Congress from our common State of Massachusetts. My votes are on record. My speeches are in print. If they have not been such as to inspire confidence in my course, nothing that I could get up for the occasion, in the shape of pledges or declarations of purpose, ought to do so.

Still less could I feel it consistent with my own honor, after having received and accepted a general nomination, and just on the eve of the election, to frame answers to specific questions, like those which you have proposed, to be shown to a few gentlemen, as you suggest, and to be withheld from the great body of the Whigs.

Deeply, therefore, as I should regret to lose the distinction which the Whigs in Congress have offered to me, and through me to New England, for want of the aid of a Massachusetts vote, I must yet respectfully decline any more direct reply to the interrogatories which your letter contains.

I remain, with every sentiment of personal esteem,

Your friend and servant,

ROBERT C. WINTHROP.

*Hon. J. G. Palfrey, &c., &c.*



## THE DEATH OF JOHN QUINCY ADAMS.

ANNOUNCEMENT OF THE DEATH OF EX-PRESIDENT ADAMS TO THE HOUSE  
OF REPRESENTATIVES OF THE UNITED STATES, FEBRUARY 24, 1848.

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GENTLEMEN OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,—

It has been thought fit that the Chair should announce officially to the House, an event already known to the members individually, and which has filled all our hearts with sadness.

A seat on this floor has been vacated, towards which all eyes have been accustomed to turn with no common interest.

A voice has been hushed forever in this Hall, to which all ears have been wont to listen with profound reverence.

A venerable form has faded from our sight, around which we have daily clustered with an affectionate regard.

A name has been stricken from the roll of the living statesmen of our land, which has been associated, for more than half a century, with the highest civil service, and the loftiest civil renown.

On Monday, the 21st instant, John Quincy Adams sunk in his seat, in presence of us all, owing to a sudden illness, from which he never recovered; and he died, in the Speaker's room, at a quarter past seven o'clock last evening, with the officers of the House and the delegation of his own Massachusetts around him.

Whatever advanced age, long experience, great ability, vast learning, accumulated public honors, a spotless private character, and a firm religious faith, could do, to render any one an object of interest, respect, and admiration, they had done for this distinguished person; and interest, respect, and admiration

are but feeble terms to express the feelings, with which the members of this House and the People of this country have long regarded him.

After a life of eighty years, devoted from its earliest maturity to the public service, he has at length gone to his rest. He has been privileged to die at his post; to fall while in the discharge of his duties; to expire beneath the roof of the Capitol; and to have his last scene associated forever, in history, with the birthday of that illustrious Patriot, whose just discernment brought him first into the service of his country.

The close of such a life, under such circumstances, is not an event for unmingled emotions. We cannot find it in our hearts to regret, that he has died as he has died. He himself could have desired no other end. "This is the end of earth," were his last words, uttered on the day on which he fell. But we might almost hear him exclaiming, as he left us—in a language hardly less familiar to him than his native tongue—" *Hoc est, nimirum, magis feliciter de vitâ migrare, quam mori.*"

It is for others to suggest what honors shall be paid to his memory. No acts of ours are necessary to his fame. But it may be due to ourselves and to the country, that the national sense of his character and services should be fitly commemorated.

## HORTICULTURE.

A SPEECH AT THE FESTIVAL OF THE MASSACHUSETTS HORTICULTURAL SOCIETY IN FANEUIL HALL, BOSTON, SEPTEMBER 22, 1848.

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[In reply to the following toast, proposed by the Hon. Marshall P. Wilder, President of the Society, — “ *Winthrop, the first Governor of Massachusetts* — The good stock which he planted more than two centuries ago, bears fruit in this generation which speaks for itself.”]

I WISH that it could speak for itself, Mr. President! Most heartily do I wish that the fruit of that old stock to which you have so kindly alluded, could speak for itself in a manner worthy of this occasion, — could find language for the sentiments with which a scene like this has filled all our hearts. It is so long, however, since I was at liberty to speak for myself, — I have so long, of late, been a doomed listener to the not always very inspiring speeches of others, — that I am almost afraid that my faculty, if I ever had any, has flown. But with whatever words I can find, I desire to offer my congratulations to this Society, on the eminent success of the exhibition which is now brought to a close.

I think you will agree with me, ladies and gentlemen, that a richer display of horticultural products has rarely been witnessed by any of us. I have had a recent opportunity of seeing some of the horticultural exhibitions of other climes. It is hardly more than a twelvemonth, since it was my good fortune to be present at more than one of the famous flower-shows of London and its vicinity. I know not what hidden beauties might have revealed themselves on these occasions to a more scientific eye, — what prodigies of art might have been discovered by those who knew how to look for them, — I can only speak of the impressions produced on a superficial observer. I saw there

magnificent collections of plants, such as I never saw before, such as I have never seen since. Not a few of them were pointed out to me as original products of our own soil; but I confess that they had been so improved by cultivation, that it must have required a very practised eye, or an exceedingly patriotic pair of spectacles, to have emboldened any one to claim them as Native American productions. But as to fruits, I saw no exhibition of them anywhere, which for variety, perfection, or profusion, could be compared with what we have seen in this Hall, during the last two or three days.

Certainly, Mr. President, we have never beheld the like in these parts before. A few years ago, we all remember that a little room in Tremont street was all too wide for your annual shows. But you have gone on so rapidly, adding triumph to triumph—at one moment producing a new apple, at another a few more pears, at a third “a little more grape”—that your own spacious Horticultural rooms have now become too small, and old Faneuil Hall itself can hardly stretch its arms wide enough, to embrace all the spoils of your victories!

And what shall I say of the festival by which your exhibition is now closed and crowned? Who does not feel it a privilege to be here? Which one of us, especially, that has been accustomed to associate meetings in this place only with subjects of political contention and party strife, can fail to appreciate the harmony and beauty of the scene before him? Never, surely, was there combined a greater variety of delightful circumstances. It would be difficult to decide for which of our senses you have provided the most luxurious repast. Fruit, flowers, music, fair faces, sparkling eyes, wit, eloquence, and poetry, have all conspired to lend their peculiar enchantment to the hour.

But it would be doing great injustice to your Association, to estimate its claims upon the consideration and gratitude of the community, by the mere success of its exhibitions or the brilliancy of its festivals. We owe them a far deeper debt for their influence in disseminating a taste for one of the purest and most refined pleasures of life, and for their exertions in diffusing the knowledge of an art so eminently calculated to elevate the moral character of society.

Horticulture, indeed, does little to supply the physical wants of man. The great crops and harvests by which the world is fed, are the products of a sterner treatment of the soil,—ever-honored Agriculture, always the first of arts. But “man does not live by bread alone.” There is food for the soul, the mind, the heart, no less essential to his true subsistence, and required not merely by the educated and refined, but by all who have souls, minds, or hearts within them. And whence can the toiling millions of our race obtain a more abundant or a more wholesome supply of this food, than from the beauties of nature as developed at their own doors, and by their own hands, by the exquisite processes of horticulture?

It has been said that an undevout astronomer is mad. But we need not look up to the skies for incentives to devotion. We need not employ telescopes to find evidences of Beneficence. There are

“Stars of the morning, dew-drops, which the Sun  
Impearls on every leaf and every flower,”

whose lessons are legible to the unassisted eye. The flowers, themselves, with their gorgeous hues and inimitable odors, and which seem, in the economy of nature, to have no other object but to minister to the gratification and delight of man,—who can resist their quiet teachings? What companions are they to those who will only take them into company, and cherish their society, and listen to their charming voices! Who ever parts from them without pain, that has once experienced their disinterested and delightful friendship?

I know not in the whole range of ancient or modern poetry, a strain more touching or more true to nature, than that in which the great English bard has presented Eve bidding farewell to her flowers:—

O flowers,  
That never will in other climate grow,  
My early visitation, and my last  
At even, which I bred up with tender hand  
From the first opening bud, and gave ye names!  
Who now shall rear ye to the sun, or rank  
Your tribes, and water from the ambrosial fount?”

We know not what were those flowers, that never could in

other climate grow. We may know hereafter. But such as we have, there are daughters of Eve here present, I doubt not, with whom, to be deprived of them, would wellnigh partake of the bitterness of a Paradise lost.

But let me hasten to relieve you, ladies and gentlemen, from the too sombre, if not too sentimental, strain into which I have been betrayed. My reverend friends who have preceded me will already have regarded me as poaching on their premises. Let me add but a single other idea, as the subject of the sentiment which I shall offer in conclusion.

We are accustomed to designate certain arts as the Fine Arts, and I would be the last to disparage their claim to this distinguished title. They furnish to our halls of state and to the mansions of the wealthy, paintings and sculpture which cannot be too highly prized. But Horticulture, in its most comprehensive sense, is emphatically the Fine Art of common life. It is eminently a Republican Fine Art. It distributes its productions with equal hand to the rich and the poor. Its implements may be wielded by every arm, and its results appreciated by every eye. It decorates the dwelling of the humblest laborer with undoubted originals, by the oldest masters, and places within his daily view, fruit-pieces and flower-pieces, such as Van Huysum never painted, and landscapes such as Poussin could only copy. Let me say, then, —

*Horticulture* — Its best Exhibitions are in the village garden and the cottage window; and its best Festivals in the humble homes which it adorns, and in the humble hearts which it refines and elevates.

## THE CITY OF WASHINGTON.

A SPEECH MADE AT A COMPLIMENTARY DINNER GIVEN BY CITIZENS OF WASHINGTON TO MEMBERS OF THE THIRTIETH CONGRESS, DECEMBER 30, 1848.

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[In reply to the following toast, proposed by the Honorable W. W. Seaton, Mayor of the City, — "*The Thirtieth Congress*: Honor and harmony to its counsels; — happiness and prosperity to its members."]

I AM greatly honored, Mr. Mayor and Gentlemen, in being called on to respond, in the presence of so many older and abler public servants, to the sentiment just proposed. I thank you, personally, for the privilege of participating in these agreeable festivities; and I thank you, officially, for the compliment which you have offered to the two branches of the National Legislature. I am sincerely glad that this thirtieth Congress of the United States, however distinguished or undistinguished it may have been in other respects, has been prompted to do so much that is liberal and acceptable for the District of Columbia. You are very little indebted for these appropriations to one, who, under all ordinary circumstances of legislation, is deprived both of voice and vote; but I can truly say that there are no appropriations to which I have affixed that attesting signature, which is all that is left to me, with a truer satisfaction.

I do not know, however, that members of Congress are entitled to any very high commendation for their liberality to this District. It is a liberality which costs them nothing. They can afford to be generous — they can certainly afford to be just — with other people's money; and more especially when it comes to them in such ample streams as now, under the auspices of the honorable

Secretary at your side, (Hon. R. J. Walker.) They have, moreover, the strongest personal interest in promoting the welfare and prosperity of this particular part of the District. The presence of the distinguished Senator from Missouri (Mr. Benton) reminds us, that to many of them this city is their home for no inconsiderable part of their lives. And many more of them, we know, would be glad to make it their home for a much longer period than they do, if they could only succeed in securing the unbroken confidence and support of their constituents, as he has done, for a term of thirty years. Not a few of us live here, and not a few of us, I am sorry to say, die here. We partake of all your advantages and of all your disadvantages. If your streets are rough and out of repair, our bones are shaken, as well as yours, and our necks are liable to be broken. If they are badly lighted at night, we are as likely as you to stumble and fall into the ditch. And if you have no good schools, our children, as well as your own, may be deprived of a seasonable and satisfactory education.

But apart altogether, Mr. Mayor, from any selfish considerations of this sort, we all ought to take a pride, and I trust that we all do take a pride, as Americans and as patriots, in the prosperity and welfare of the capital of the Republic. Most heartily do I respond to the sentiment expressed by the Secretary of the Treasury, in his letter, published this morning, communicating to Congress the annual report of the Land Office, and in which the patronage of the National Government is invoked for the public schools of this District. Most cordially do I concur with him in the idea which he suggests, that this city should be made a fit representative of the civilization and refinement and true greatness of our country. It already, perhaps, furnishes a pretty fair sample of the country in one respect. As a city of "magnificent distances," it admirably illustrates the almost immeasurable extents over which the Republic is so rapidly reaching. But it should portray in miniature something of what our country ought to be, and of what, by the blessing of God, it is to be, morally as well as physically. Its arts and sciences, its literature and learning, should have their emblems and illustrations here. Here should be the model schools, the model charities, the model libraries, the model prisons of our land; the model institutions of



every sort, for education, benevolence, reformation, and government. Whatever American architecture can do, should be exhibited in our public buildings. Whatever American painting and sculpture can do, should be displayed in commemorating here the great deeds and the great men of our history.

This, Sir, was evidently the spirit in which your city was originally laid out and founded by the Father of his Country and his illustrious compeers. We see it in the length and breadth of your avenues, in the noble squares which they reserved for public purposes, and in the fine proportions and ample dimensions of the Capitol and the Executive Mansion. We know it, too, from their own predictions. They looked forward to the time when this city should be a kind of American Zion,—beautiful for situation, the joy of the whole earth,—to which all the tribes should annually come up, and find fresh impulses to patriotism, and fresh incentives to Union, in the beauty and grandeur of a common temple. They looked forward to the day, when all men should find here a City worthy of the great objects to which it has been dedicated, and not altogether unworthy of the incomparable name by which it has been called.

We all rejoice, I am sure, in witnessing some first approaches to a realization of this idea, in the improvements which have marked your progress during a few years past,—in the erection of a National Observatory, in the foundation of a National Museum, in the commencement of a National Monument, and in the establishment of the National and the Smithsonian Institutes. I cannot name the Smithsonian Institute, however, without expressing the hope that, if the capital of this Republic is ever to be the seat of a great institution of learning and science,—if this long-cherished wish of Washington is at length to be accomplished—it may not be wholly owing to the dying bequest of a munificent foreigner. I have no objection to the importation of a little foreign patronage for such an object, but I trust that even the Secretary of the Treasury himself, will regard it as a venial violation of his free-trade principles, if I advocate the encouragement of the domestic article also.

Once more let me thank you, Sir, in the name of the members of Congress around me, for the hospitalities of this occa-

sion, and for the many other hospitalities and kindnesses, public and private, which we have all received at your hands in time past; and let me relieve your patience, without further delay, by proposing to the company as a sentiment, —

“The City of Washington, and its accomplished and excellent Mayor, Mr. Seaton.”

## REPLY TO A VOTE OF THANKS.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, ON THE FINAL ADJOURNMENT OF THE THIRTIETH CONGRESS, MARCH, 4, 1849.

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GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,—

The hour has arrived which terminates our relations to the country, and our relations to each other, as members of the Thirtieth Congress; and you have already pronounced the word which puts an end at once to my vocation and to your own.

But neither the usage of the occasion, nor my own feelings, will allow me to leave the Chair, without a word of acknowledgment, and a word of farewell, to those with whom I have been so long associated, and by whom I have been so highly honored.

Certainly, gentlemen, I should subject myself to a charge of great ingratitude, were I not to thank you for the Resolution in reference to my official services, which you have placed upon the records within a few hours past.

Such a resolution, I need not say, is the most precious testimonial which any presiding officer can receive, and affords the richest remuneration for any labors which it may have cost.

It did not require, however, this formal tribute at your hands, to furnish me with an occasion of grateful acknowledgment to you all. I am deeply sensible, that no intentions, however honest, and no efforts, however earnest, could have carried me safely and successfully through with the duties which have been imposed upon me, had I not been seconded and sustained, from first to last, by your kind coöperation and friendly forbearance.

I beg you, then, to receive my most hearty thanks, not merely for so generous an appreciation of my services, but for the uni-

form courtesy and confidence which you have manifested towards me, during my whole official term, and which have done so much to lighten the labors and relieve the responsibilities which are inseparable from the Chair of this House. I can honestly say, that I have endeavored, to the best of my ability, to fulfil the pledges with which I entered upon this arduous station, and to discharge its complicated and difficult duties without partiality and without prejudice. Nor am I conscious of having given just cause of imputation or offence to any member of the House. If there be one, however, towards whom I have seemed, at any moment, to exhibit any thing of injustice, or any thing of impatience, I freely offer him the only reparation in my power, in this public expression of my sincere regret.

We have been associated, gentlemen, during a most eventful period in the history of our country and of the world. It would be difficult to designate another era in the modern annals of mankind, which has been signalized by so rapid a succession of startling political changes. Let us rejoice that while the powers of the earth have almost everywhere else been shaken,—that while more than one of the mightiest monarchies and stateliest empires of Europe have tottered or have fallen,—our own American Republic has stood firm. Let us rejoice at the evidence which has thus been furnished to the friends of liberty throughout the world, of the inherent stability of institutions, which are founded on the rock of a written constitution, and which are sustained by the will of a free and intelligent people. And let us hope and trust—as I, for one, most fervently and confidently do—that, by the blessing of God, upon prudent, conciliatory, and patriotic counsels, every cause of domestic dissension and fraternal discord may be speedily done away, and that the States and the people, whose representatives we are, may be bound together forever in a firm, cordial, and indissoluble Union.

Offering once more to you all, my most grateful acknowledgments of your kindness, and my best wishes for your individual health and happiness, I proceed to the performance of the only duty which remains to me, by announcing, as I now do,

That the House of Representatives of the United States stands adjourned, *sine die*.

## NOTE.

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### INVITATION TO A PUBLIC DINNER.

BOSTON, August 28, 1848.

DEAR SIR: A large number of Whigs, of the Suffolk Congressional District, among your strongest personal and political friends, "entertaining a high respect for the character and abilities of their distinguished Representative in Congress, and a deep sense of gratitude for the services which he has rendered. and the honor he has reflected upon the State and the Union, by his faithful and successful discharge of the arduous duties of Speaker of the House of Representatives, during a long and laborious session," have requested us to tender you. in their behalf, a public dinner, at such time and place as may be most agreeable to you.

Joining, to that of our friends, our own earnest and sincere desire that you may find it convenient to accede to their request,

We are, with considerations of high regard,

Your friends and obedient servants,

Abbott Lawrence,  
James Clark,  
F. B. Crowninshield,  
Albert Fearing,  
Nathan Appleton,  
William Schouler,  
George Morey,  
N. W. Coffin,  
P. Greely, Jr.,  
Bradley N. Cummings,

F. W. Lincoln, Jr.,  
Philo S. Shelton,  
Peter Harvey,  
George W. Crockett,  
Josiah Bradlee,  
J. Richardson,  
John H. Eastburn,  
B. S. Rotch,  
Francis Bacon,  
Charles H. Mills.

*Hon. Robert C. Winthrop, Boston.*

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### ANSWER.

BOSTON, September 15, 1848.

GENTLEMEN: Absence from home prevented me from receiving your most obliging communication of the 28th ult., until a late day.

I hasten now to acknowledge it, and to assure you of my deep sensibility to the compliment which it contains.

I have, indeed, been called to the discharge of "arduous duties during a long and laborious session" of Congress. It would not be easy to overestimate the labors which belong to the office of Speaker of the House of Representatives of the United States. Nothing could afford me higher satisfaction than to know, that, in the judgment of the personal and political friends whom you represent, my performance of the duties of that office has been faithful and successful, and that it has reflected no dishonor, either on our own Commonwealth, or on the Country at large.

Such an expression, I need hardly say, is peculiarly welcome to me from my immediate constituents, — implying, as it does, that they have not been extreme to note any inattention to their local interests, which may have resulted from the engrossing character of the duties of the Chair.

Boston has been accustomed to no common services in the National Councils. Few Districts in the Union can point to such a succession of distinguished and devoted Representatives. Fisher Ames, Harrison Gray Otis, William Eustis, Josiah Quincy, Artemas Ward, James Lloyd, Jonathan Mason, Benjamin Gorham, Daniel Webster, Nathan Appleton, Abbott Lawrence, Richard Fletcher; — this is, indeed, a catalogue of stars, to which any one may be proud to have been added.

If, on retiring from office, at the close of my present term, — when I shall have represented the people of Boston in Congress longer than any one of my predecessors, since the adoption of the Constitution, — my name shall not be thought unworthy of some humble association, in the kind regards of my fellow citizens, with the names of these eminent men, the measure of my political ambition will be full.

Be pleased to communicate to those, in whose behalf you have addressed me, my cordial thanks for the honor which they have done me, and to assure them, that while I decline to be made the subject of any ceremonious entertainment, I shall always cherish the most grateful remembrance of their courtesy and kindness.

I am, gentlemen, with the highest respect and esteem,

Your faithful friend and servant,

ROBERT C. WINTHROP.

*Hon. Abbott Lawrence, and others.*

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LETTER TO THE WHIG NOMINATING CONVENTION, DECLINING A RE-ELECTION.

BOSTON, October 9th, 1848.

GENTLEMEN: I have the honor to acknowledge your obliging communication of the 5th instant, informing me that I have been nominated, unanimously and by acclamation, as a candidate for reelection to Congress.

I am most deeply indebted to the members of the Whig Ward and County Convention for so generous an expression of their confidence; and I pray you to present to them all, and to accept for yourselves, an assurance of my profound gratitude.

It has been for some time past, and is still, my sincere and earnest desire to be relieved from further service in the House of Representatives of the United States.

With this view, I addressed a letter to the Chairman of your Convention, in July last, announcing my determination not to be a candidate for reelection.

The opinion of himself and many other most respected political and personal friends, that the peculiar circumstances of our party, at that moment, made it extremely undesirable that such an announcement should be made public, induced me to assent to its being withheld. But my views and feelings have undergone no change, and I am still strong and sincere in the desire to retire from Congress on the 4th of March next, when I shall have completed a nine years' service as the Representative of Boston.

It is urged upon me, however, by yourselves, and by other distinguished Whigs, whose opinions I am bound to respect, that under the peculiar circumstances of the present campaign, the nomination of a new candidate would be difficult and dangerous; and that, by insisting on my purpose to decline a reelection, I may jeopard, to some extent, the success of my party, in other and far more important particulars.

It is suggested to me, moreover, that a full year will intervene between the election and the commencement of the new term of Congressional service; and that, if I should feel obliged to resign my place in the course of that time, there may be an opportunity of filling it under more auspicious circumstances.

I am quite unwilling, gentlemen, to give too ready an ear to these suggestions, lest I should seem to arrogate to myself something of popularity or influence which I do not possess. But I do not hesitate to say, that if a well-considered belief should be found to exist, among those who are authorized to act for the Whigs of this District, that the use of my name would be of any material importance to the success of their efforts, and more particularly to the choice of the Taylor and Fillmore electoral ticket, I would willingly make any sacrifice of personal feeling, and leave myself at the disposal of my friends. I would not desert those who have never deserted me: still less would I abandon those great national interests and principles, for which we have so long contended, and which, in my judgment, can only be vindicated, at this moment, by the election of General Taylor to the Presidency of the United States.

With these explanations, I desire to refer the whole subject once more to the free and unembarrassed decision of the Convention, by declining the nomination which they have tendered me. I do so in the earnest hope that they may be induced to excuse me from further service, and in the honest conviction that they can readily find a successor, who will at once bring more weight to the ticket, and more ability to the office.

This letter is not intended for publication; but perhaps you can bring my

views before the Convention in no better way, than by reading it at their next meeting.

Begging you, once more, to assure them of my heartfelt gratitude for all their kindness and confidence, and to receive for yourselves my best thanks for the complimentary terms of your communication,

I remain, Gentlemen, most respectfully and faithfully,

Your friend and servant,

ROBERT C. WINTHROP.

*Col. T. C. Amory, and others, Committee.*

#### RESOLUTIONS OF THE CONVENTION, OCTOBER 11, 1848.

*Resolved*, That we have learned, with deep regret, that the Hon. Robert C. Winthrop, now representing this District in the Congress of the United States, has expressed a desire to be relieved from further service in that important station, which he has so long filled, with honor to himself and satisfaction to the country, and purposes declining a renomination.

*Resolved*, That in the opinion of this Convention, such a step would be fraught with great danger and serious injury to the best interests of the Whig cause, and calculated to affect unfavorably the result of our labors in the Presidential canvass and great political struggle about to take place.

*Resolved*, That we know of no person so likely to unite the votes of the Whig party in this District at the present time, or who, if elected, will exercise a more salutary influence at Washington, than our present honorable Representative; and that it is our earnest wish that he would reconsider the subject, and thus preserve the Whig party, at this crisis, from the difficulties and dangers inseparable from the selection of any new candidate; and with a view to effect if possible, this most desirable object, this Convention do now, renewedly and unanimously, renominate the Hon. Robert C. Winthrop to represent the First Congressional District in the next Congress of these United States, and respectfully solicit his acceptance thereof.

Mr. Winthrop accepted the nomination, and was reelected by a majority of about four thousand.



## PERSONAL VINDICATION.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, FEBRUARY 21, 1850.

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I do not rise, Mr. Chairman, to enter elaborately into the general discussion to which the annual message of the President of the United States has given occasion. But finding myself under an unexpected necessity of leaving my seat for a week or two, I have been unwilling to go, without making a few remarks, which I feel to be due to my own position and character.

I have abstained, thus far, from any expression of opinion or declaration of purpose, in regard to the unfortunate sectional controversies by which our country is now agitated. I have done so designedly, and for many reasons, satisfactory to myself, if to nobody else.

In the first place, Sir, I desired to wait until the excitement growing out of that protracted struggle for the Speakership, — to which, by the unmerited favor of my friends, I was so prominent a party, — had passed away from the minds of all who were engaged in it; and until I could express myself fully and fearlessly upon these controverted topics, without the suspicion of being influenced by any thing of private resentment or personal disappointment.\*

In the second place, Sir, I desired to wait until something of

\* The memorable contest for the Speakership of the thirty-first Congress began December 3d, and ended, after *sixty-three* ballottings, December 22d, 1849. The final vote stood thus: for Howell Cobb 102, for R. C. Winthrop 100, scattering 20. A Resolution had been previously adopted that, on this trial, a majority of the whole number should not be necessary for a choice, and Mr. Cobb was accordingly declared Speaker.

that fervent and flaming heat, which had been so evidently brought here from what may well be termed "the warm and sunny South," had abated ; until the angry passions, which seemed pent up within so many bosoms at the outset of the session, had found vent through the safe and wholesome channel of debate ; and until there could be a chance that a calm and dispassionate voice from "the cold and calculating North" might be listened to with some degree of patient attention.

In the third place, Sir, I desired to wait until matters should be rather more clearly and fully developed ; until all the circumstances of the case should be before us ; until we should have been able to take an observation of the precise position of the precious vessel in which we are all embarked ; until we could ascertain, if possible, what is the real length, and breadth, and height, and depth, of that fearful chasm, that yawning abyss, upon the dizzy brink of which, we are told, the Ship of State is even now poisoning herself ; until we could learn, too, what course might be proposed by older, and abler, and more experienced hands, for extricating her from peril ; and until, especially, we might hear distinctly, above the roar of the elements and the rattling of the shrouds, the voice of the responsible man at the helm,— the man who has been placed at the helm by a majority of the crew, with my own cordial concurrence, and who, by the blessing of God, I hope, and trust, and believe, is destined to be hailed by us all hereafter as "the Pilot who has weathered the storm !"

These, Mr. Chairman, are some of the views with which I have thus far abstained, and would gladly have still longer abstained, from any participation in that strife of tongues which has so long been raging around us, — a strife, let me say, which has seemed to me likely to have no more important or practical issue, than that which was chronicled by one of the sacred historians in regard to a quarrel among the Hebrew tribes, when he summed up the whole matter by saying, — "and the words of the men of Judah were fiercer than the words of the men of Israel."

But, Sir, I have not been permitted to pursue this expectant system, as an honorable member of the medical faculty near me,

(Mr. Venable,) would probably call it, — I have not, I say, been permitted to pursue this course of silent observation without interruption. It appears to have been the studious policy of a few members of this House to drag me into the debate, whether I would or no. Not satisfied with having accomplished my defeat as a candidate for reelection to the Speaker's chair, — a defeat, Sir, which, in all its personal incidents and consequences I have ever regarded as the most fortunate of triumphs, and over which no one of my enemies has rejoiced more heartily than myself, — not satisfied with the accomplishment of this result, they have made it their special business to provoke and taunt me by unworthy reflections upon my political and official conduct; and more than one of them has not scrupled to assail me with the coarsest and most unwarrantable personalities.

It is my purpose, Sir, at this moment, to notice some of these unmannerly assaults; and no one will be surprised, I think, if I should be found doing so in no very mincing or measured terms.

Indeed, Mr. Chairman, both the House and the country will bear witness, that I have been placed in a somewhat extraordinary position during the present session of Congress. Hardly had I reached the Capital, before I found myself held up, at the length of three or four columns, in the Democratic organ of this city, as a desperate Abolitionist. The Abolition papers, in reply, exhibited me at equal length, as, indeed, they had often done before, as a rank pro-slavery man. The honorable member from Tennessee, (Mr. Andrew Johnson,) coming next to the onslaught, and doing me the favor to rehearse before my face a speech which he had delivered behind my back at the last session, arraigned me in the most ferocious terms as having prostituted the prerogatives of the Chair to sectional purposes, and as having framed all my committees in a manner and with a view to do injustice to the South. The honorable member from Ohio, (Mr. Giddings,) following him, after a due delay, denounced me with equal violence, as having packed the most important of those committees for the purpose of betraying the North. The one proclaimed me to be the very author and originator of the Wilmot Proviso. The other reproached me as being a downright, or, at best, a disguised, enemy to that

proviso. The one exclaimed, as the very climax of his condemnation, "I would sooner vote for Joshua R. Giddings himself than for Robert C. Winthrop." The other responded with an equally indignant emphasis, "and I would sooner vote for Howell Cobb than for Robert C. Winthrop, — he cannot do worse, he may do better." Nay, I presume it is safe to say, that the honorable member is now of opinion that he has done better, since not only has the honorable member secured for himself a place on the Territorial Committee, but the report of the anti-slavery convention, at their late meeting in Boston, has remarked upon it as "a curious and instructive fact, that, in the composition of committees, Mr. Cobb has given more weight to the anti-slavery element of the House than was done by his Northern predecessor." How far this is true, I leave others to pronounce.

But the honorable members from Tennessee and Ohio, (*par nobile fratrum*!) have not been the only contributors to this most amiable, consistent, and harmonious testimony in regard to my public conduct and character. An honorable colleague from Massachusetts (Mr. Allen) has cast in his mite, also, both by prompting others at his elbow, and by the manlier method of direct accusation. He, too, has charged me with having arranged certain committees, with the deliberate purpose of preventing the action which northern men demanded. And more recently, again, an honorable member from Virginia, (Mr. Morton,) in a speech which, I take pleasure in saying, was characterized by entire courtesy, if not by entire justice, has told the House and his constituents that he voted against me as Speaker, because "he believed me to be in favor of the Wilmot Proviso; because he believed me to be in favor of the abolition of slavery in the District of Columbia; and because my name was found in a minority of forty-five against the admission of Florida as a slave State."

Sir, if my name were a little less humble than I feel it this day to be, — if I were not conscious how small a claim it has to be classed among the great names even of our own age and country, much more of the world, I should be tempted to console myself under these conflicting accusations with those noble lines of Milton, which, as it is, I cannot but remember: —

"Fame, if not double fac'd, is double mouth'd,  
 And with contrary blast proclaims most deeds;  
 On both his wings, one black, the other white,  
 Bears greatest names in his wild æry flight."

But indeed, Mr. Chairman, I need no consolation. These contradictory charges are the natural consequence of the very position which I have sought to occupy, — of the very position which I glory this day in occupying, — and from which no provocations and no reproaches can ever drive me.

Sir, when I was first a candidate for Congress, now some ten winters gone, I told the Abolitionists of my district, in reply to their interrogatories, that, while I agreed with them in most of their abstract principles, and was ready to carry them out, in any just, practicable, and constitutional manner; yet, if I were elected to this House, I should not regard it as any peculiar part of my duty to agitate the subject of slavery. I have adhered to that declaration. I have been no agitator. I have sympathized with no fanatics. I have defended the rights and interests and principles of the North, to the best of my ability, wherever and whenever I have found them assailed; but I have enlisted in no crusade upon the institutions of the South. I have eschewed and abhorred ultraism at both ends of the Union. "A plague o' both your houses," has been my constant ejaculation; and it is altogether natural, therefore, that both their houses should cry a plague on me! I would not have it otherwise. I covet their opposition. I dote on their dislike. I desire no other testimony to the general propriety of my own course than their reproaches. I thank my God that he has endowed me, if with no other gifts, with a spirit of moderation, which incapacitates me for giving satisfaction to ultraists anywhere and on any subject. If they were to speak well of me, I should be compelled to exclaim, like one of old, "What bad thing have I done, that such men praise me?"

The only thing which I have to regret, Mr. Chairman, is, that these various charges could not have been made against me in one and the same debate, and on one and the same day. They would then have effectually answered each other. They would then have fairly shamed each other out of court, and I should

have been spared the necessity of even this brief allusion to them.

But, Sir, the list of my accusers is not yet complete. Another honorable member from Ohio, (Mr. Root,) has recently taken the field against me, and has seen fit to make, what, if it were entirely parliamentary, I should be constrained to call, some very impertinent allusions to my course in reference to a resolution of his, which was recently laid on the table. I was accidentally in the Senate chamber when his speech was delivered, but my attention has been called to it in a late number of the Congressional Globe.

Sir, when the honorable member first offered his resolution, some weeks since, I united with my friends in the free States in saving it from the fate which it then merited, and which it has since received. I thought it then a most premature and precipitate movement, and there are those near me who can bear witness, that notwithstanding my exalted sense of the honorable member's habitual wisdom and prudence, I could not repress the exclamation —

“ Thus fools rush in, where angels fear to tread ! ”

I yielded, however, to the suggestions of those around me, that it might be as precipitate to lay it on the table at once, as it was to offer it; and that there would be no harm in taking time to consider it. A fortnight intervened, and I did consider it in all its bearings. And as the honorable member has been so plain and unceremonious with me, in ascribing motives and calling names, I shall be equally plain and unceremonious with him, in telling him what I thought of his resolution.

I regarded it, Mr. Chairman, considering all the circumstances, of Congress and of the country, as one of the most mischievous propositions ever introduced into this House. I regarded it as mischievous in its inevitable consequences, and as mischievous in its deliberate design. I came to the conclusion that the honorable member, for the sake of a little miserable notoriety, had wantonly put in peril the very cause of which he professed to be the peculiar champion,—that for the sake of playing captain, and marching ahead of the music, he had been willing to

take the risk of sacrificing the very fortress of which he assumed to be the defender. I believed, in one word Sir, that if that resolution were persevered in, in the existing condition of this House and of the country, all hope of practical legislation would be extinguished, the great measure of the admission of California, as a State, into this Union, would be impeded, obstructed, and finally defeated; and that the session would be one protracted scene of strife, confusion, and discord.

And why, then, Sir, entertaining these views of the resolution, did I not vote upon the second motion to lay it on the table? For this is the part of my conduct which the honorable member has taken in such especial dudgeon, and which he has made the pretext for applying to me certain contumelious epithets.

Well, now, I do confess, Mr. Chairman, that I was a little malicious in withholding my vote on this particular occasion. It would have been so very gratifying to the honorable member if he could have only had me once fairly on the record, where he has never yet had me, against a resolution containing as one of its elements, the Wilmot proviso! It would have furnished such an excellent apology for him and his friends for having voted against me as Speaker, and for having thrown the organization of this House into the hands of a Southern Democrat! It would have been such a telling free-soil card in the next canvass in the fourth district of Massachusetts, to say nothing of the twenty-first district, I think it is, of Ohio! Indeed, Sir, it was certainly a little cruel to deprive the honorable member of an advantage upon which he had so confidently calculated.

But I believe it is Solomon who has said, "Surely in vain is the net spread in the sight of any bird." Sir, I saw the trap which the honorable member had laid for me. I knew that he and his peculiar friends were lying in wait for me. I knew they were seeking to find a justification, after the event, for an opposition to me for which they had so little apology beforehand. I saw that he had framed his resolution so that, whether we voted for it or against it, we should be placed in a false position. If we voted not to lay it on the table, and seemingly sustained the resolution, we were to be held up as abandoning General Taylor and the Administration. If we voted to lay it on the table, we

were to be denounced as enemies to the principles of the ordinance of '87. I understand that the honorable member said, in advance, that he would either have our votes or our scalps. I know not the precise meaning which is to be attached to this humane and elegant expression, if he really used it. It might be well, perhaps, to refer it for inquiry to the committee on Indian Affairs. If he only intended, by this tomahawk threat, that he would deal a few stabs at my character behind my back, he is welcome to all the glory of the exploit. But whatever he meant, I did not intend that he should have either my vote or my scalp, if I could help it; and seeing that my vote would make no difference to the result, I declined to gratify his desire to ensnare me. And now, because the trap of the honorable member failed to work, in the only case in which it was of special importance for him that it should work, he flies into a passion, strips off his neck-cloth, and begins to scold about dodging and skulking!

Why, Sir, the honorable gentleman forgets himself. Certainly his speech forgets itself; for, in the very same paragraph in which he upbraids me for my course in this case, he describes his own course in another case, as entirely identical with it. I would not ask a better justification from any one, than that which the honorable member himself has furnished me out of his own mouth. Hear what he says, Sir, as to his own conduct at the late Presidential election, —

“It was nothing more (says he) but a game at the best. I neither wanted to cheat nor to be cheated, and hence I took no part in it. I stood out.”

Does it not lie admirably in his mouth, to charge others with skulking, and to exclaim so heroically, “it is better to vote wrong than to dodge,” when, in the very same breath, he is boasting that he skulked himself from the great Presidential struggle!

Nor is this the only instance of the same sort in the honorable member's history. What else but dodging was his conduct in the protracted contest for the Speakership? What did he do but throw away his vote to the end on an impossible candidate? What did the eight peculiar free soilers do, but pair off, four from each party, and, by neutralizing each other, virtually not vote at all — virtually dodge, by refusing to vote so as to make any



difference to the result? Sir, there are those here who believe, that the first great desertion of Northern principles at this session has been exhibited by those, who have thrown the organization of this House into the hands of a Southern Democrat. Of that the honorable member stands convicted. And, my opinion is, that any one who considers the adroit and ingenious manner in which it was done, by seeming to vote, and yet practically not voting at all, — will come to the conclusion, that if the honorable member desires to see the true “Artful Dodger” of the day, he must look at home.

Nor is this all, Mr. Chairman. The honorable member has made a great vaunting of what he would have done on the last night of the last session, if the Walker amendment had been longer persisted in. The more important inquiry, Sir, is, what did he do? Where was he during the weary watches of that memorable night? Where was he when the honorable member from Tennessee (Mr. Andrew Johnson) moved to strike out the word “impartial” from the vote of thanks to the Chair? Who then was “willing to wound, but yet afraid to strike?” Where was he, too, when the honorable member from Kentucky (Mr. Morehead) moved that most momentous amendment to the Walker proviso in regard to the rightful boundaries of Texas? His name is not on the record; and, though the proverb is somewhat musty, Sir, I cannot help reminding the honorable member that “those who live in glass houses should not throw stones.”

But he tells us most pathetically, that the Wilmot proviso has been wounded in the house of its friends; nay, that so far as this House could kill it, it has been killed. Well, now, Sir, this remains to be seen. Doubtless, the honorable member finds it for his purpose, at this moment, to think so, or at least to say so. But it remains to be seen whether the great principles of the ordinance of '87 have lost any portion of their vitality; whether they have not as strong and living a hold on the hearts of other northern and western men as on that of the honorable member himself; and whether, on the proper occasion, if a real necessity or a reasonable demand for their assertion and maintenance should arise, they would not be asserted and maintained by as large a majority in this body as they ever have been heretofore. I believe they would be.

But this I do say,—that if these principles have been wounded and struck down; if it be true, that, by laying on the table an unseasonable resolution of the honorable member from Ohio, we have killed the Wilmot proviso,—its death must lie forever at his door, and not at ours; and the true inscription on its tombstone will read thus: “Here lies a victim to the restless vanity and headstrong rashness of the honorable member from Ohio, who held it deliberately up to receive its death-blow, in order to gratify his passion for notoriety, and his pique against some of his old friends of the Whig party.”

Why, Sir, the conduct of the honorable member on this occasion was what a French philosopher has called “worse than a fault.” It was a mistake—a fatal blunder. It was a moment of all others when the North should not have been called on to show its hand; when gentlemen from the free States should not have been required to say what they would do, or what they would not do, in regard to the Territories; and my only regret is, that the resolution could not have been suffered to go upon the table by southern votes only, with the mere silent assent of northern men. It was the precise case for what the honorable member has called “standing out,” and for the reservation of all expression of opinion or intention, until a real exigency for such an expression had occurred. And I repeat, Sir, that if the northern force has been weakened, and the northern front broken, it is owing to the rash and precipitate charge which was attempted under the assumed and illegitimate lead of the honorable member from Ohio.

But there are some men, we are told, who are “wiser in their own conceit than seven men who can render a reason.” The honorable member and his little squad, insist upon regarding themselves as the only persons in the country, or, certainly, as the only persons in this House, who know how to defend northern rights, or how to vindicate the great principles of human freedom. Nay, Sir, they modestly claim to be the only ones who desire, or who are even willing, to defend or vindicate them. All the world are doughfaces (as they elegantly style it) except themselves! They alone are loyal to human liberty! They are the only reliable defenders, or legitimate occupants, of the great

free-soil field! Surely these are the men, and wisdom shall die with them!

I cannot listen, Mr. Chairman, to these arrogant assumptions and offensive pretensions, without calling to my aid the castigation which was administered by Edmund Burke, (not the Editor of the '*Daily Union*, Sir,) to one of the petty cabals which infested Great Britain during the period of the French revolution, and which were attempting, as he said, "to hide their total want of consequence in bustle and noise, and puffing, and mutual quotation of each other." "Because half a dozen grasshoppers, (said he,) under a fern, make the field ring with their importunate chink, whilst thousands of great cattle, reposed beneath the shadow of the British Oak, chew the cud and are silent, pray do not imagine that those who make the noise are the only inhabitants of the field; that, of course, they are many in number; or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome, insects of the hour."

For one, Sir, I do not recognize the honorable member and his half a dozen compeers on this floor, as my file-leaders, or as my fuglemen, in this campaign. I do not belong to the "Root and branch party." I shall not march at the tap of their drum. I shall not vote against any *bona fide*, practical, and seasonable measure, simply because they originate it; but I give my constituents and the country notice, once for all, that they are not to judge of my sentiments upon the great questions of the day by any votes which I may give, or which I may not give, upon their amateur abstractions or their precipitate instructions. I shall vote for them, or vote against them, or not vote at all, just as it happens to suit my own views, and certainly not at all with a view to suit their purposes.

The honorable member, in the course of a speech in which he has misrepresented and assailed at least one half of the northern members of this House, has told us that he was a member of "the reviled Free Soil sect." Good heavens, Sir! if they are the reviled, who are the revilers, and what must they be? Never, in the whole history of our country — never, since the existence of political parties anywhere — has there been a party, which,

under the pretext of philanthropy, has so revelled and luxuriated in malice, hatred, and uncharitableness — in vituperation, calumny, and slander — as this “reviled Free Soil sect.” I speak of their principal leaders and organs, as I know them in my own part of the country, and not of the great mass of their followers, there or elsewhere, who, I doubt not, are led along by honest impulses, and many of whom, I as little doubt, are disgusted with the music of their own trumpeters. Never, Sir, I repeat, has there been witnessed in this country, or on the face of the globe, such an audacity of false statement and false accusation, as that with which some of their presses have teemed! Never have there been baser stabs at character than those with which some of their speeches have reeked!

I need not say that I have had my full share, and more than my full share, of their misrepresentation and abuse. I bear no special malice towards members of this House who deal with me in this style, because I know that, after all, they are but the instruments and mouth-pieces of others afar off. There is a little nest of vipers, Sir, in my own immediate district and its vicinity, who have been biting a file for some three or four years past, and who, having fairly used up their own teeth, have evidently enlisted in their service the fresher fangs of some honorable members of this House.\* “*Odisse quem læderis.*” Conscious that they have wronged me, they now hate me; and having been thoroughly put down at home, they have turned prompters and panderers to assaults upon me here. Let them go on in their manly and magnanimous vocation. If they only succeed in doing themselves half as much injury as they do me good, they will speedily merit as much of my sympathy as they now have of my scorn.

Sir, I have already had occasion, during the present session, to allude to one of the false statements which has been fre-

\* For this application of the old fable of *The Viper and the File*, as well as for some of the other sharpnesses and severities of this speech, (which is given here precisely as it was delivered and published at the time,) the plea of the old Roman Fabulist may be employed:—

“Excedit animus quem proposuit terminum;  
Sed difficulter continetur spiritus,  
Integritatis qui sinceræ conscius  
A noxiorum premitur insolentis.”

quently made in regard to me at home, and which has been repeated here by the honorable member from Ohio on my right, (Mr. Giddings.) That honorable member's speech, I take occasion to say, as printed for the use of the fourth district in Massachusetts, is a mere tissue of perversion and misrepresentation, so far as my conduct is concerned. But the most that I can do, on this occasion, is to notice one of the charges which it contained, and in regard to which, it will be remembered, a direct issue was made up between us.

The honorable member seems to have thought it important to his justification among his constituents for his vote against me for Speaker two years ago, that he should implicate me in the origin of the late deplorable war with Mexico. He knew perfectly well that my mere vote for the bill, by which the existence of that war was recognized, and by which provision was made for the rescue of our little army on the Rio Grande, would not answer his purpose. He knew that, whether that vote were right or wrong, it was given in company with those who were altogether invulnerable to his malignant shafts. He knew that he could not strike at me, on this point, without striking also at Corwin, and Vinton, and Schenck, of his own State, and Marsh and Foote, of Vermont, and I know not how many others, from the North and from the West, whose characters would be an ample shield against all who should attack them, and whom he would not, then at least, have dared to charge as supporters of the war. And so, Sir, he sets himself to work to prove me an accessory before the fact, and charges me with having gone to a Whig caucus, before the war bill was introduced, and with having made an appeal to the Whigs, to vote in favor of a bill, in regard to the intended character of which I had no more knowledge than the man in the moon! Sir, I never heard of this Whig caucus, to the best of my knowledge and belief, until I saw this account of it in a letter of the honorable member to his constituents, eighteen months afterwards. And difficult as it almost always is for any one to prove a negative, it is fortunately in my power, this day, to furnish such conclusive testimony that I attended no such meeting, and made no such speech, that even the honorable member himself will blush at ever having made the statement.

I have here a budget of letters, which I have rescued within a few days past from a forgotten pigeon-hole at home. They were procured two years ago, without my instigation, and almost without my knowledge, by the editor of the Boston Atlas, with a view to vindicate me from this calumny at the time it was originally uttered. I shall append some of them, if not all of them, to the pamphlet copy of this speech, if such a copy is ever published. I shall only have time to read one of them now.

Is the honorable member from Delaware in his seat? (Mr. Houston rose and assented.) I have here a letter bearing his signature, dated Washington, April 1st, 1848, and addressed to William Schouler, Esq., Boston. I will thank him to tell me, after I have read it, whether it is his letter, and whether this be his testimony now, as it was two years ago, in relation to the allegation of the honorable member from Ohio.

The letter is as follows :

WASHINGTON, April 1st, 1848.

DEAR SIR: I have received your letter of the 30th ultimo, and in reply to it I have to state, that I remember very well the casual conversation which I had with you recently in Boston, "concerning a meeting of Whig members of Congress, held on the morning of the 11th of May, 1846," and I will briefly state, at your request, what I recollect in relation to the absence of the Honorable Robert C. Winthrop on that occasion.

That meeting was held in consequence of the hostile collision which had just occurred on the Rio Grande, between a portion of our military forces and those of Mexico, and I perfectly recollect that I not only attended the meeting, but that I also made some remarks in it, the substance of which I still remember. The meeting was not full, many members of the House belonging to the Whig party being absent, and I distinctly recollect that the meeting adjourned without coming to any formal conclusion on the subject, in consequence of this fact, as was then mentioned and understood by those present. I remember that Mr. Smith of Connecticut, Mr. Hudson of Massachusetts, and Mr. Giddings of Ohio, were present at the meeting, and appeared to me to be among the most prominent of the speakers in it; and I also remember that I had a few words of conversation with them after the meeting was over, and before we separated, upon the subject of some remarks which I had made in the meeting. I have a very distinct recollection that Mr. Winthrop was not present at the meeting, and of noting his absence, as well as that of Mr. Vinton of Ohio; and my reason, if any should be required to fortify my memory on this point, for observing this fact, is this: I had already come to regard these two gentlemen as among the most experienced and prominent members of our party in the House; and as one sat directly before me, and the other immediately on my right, during that session, in the House, it will not appear strange, I apprehend, when these two circumstances are taken together, that I should not only note but remember their absence on that occasion. Such is my distinct recollection, and without wishing to raise any question of memory between myself and

others on this or any other point, I have no hesitation in giving it to you in compliance with your request.

As to the meeting held some time previous, on the "Oregon question," as it is familiarly termed, I have to state, that it is impossible that I could have confounded it in my memory with the meeting first mentioned, as I did not attend that meeting, and knew nothing of its existence until a day or two after it had been held.

I am, very truly and respectfully, your obedient servant,

JOHN W. HOUSTON.

Wm. Schouler, Esq.

MR. HOUSTON. That is my letter, and I have no alteration to make in it.

MR. WINTHROP. There are other letters here, Sir, equally distinct and conclusive.

But the honorable member summons Mr. E. D. Culver, of New York, a late member of this House, to his aid, and insists that Mr. Culver has substantiated his charge. Sir, I think it is in Sheridan's play of the Rivals, that one of the characters is made to say — "Whenever I draw on my invention for a good current lie, I always forge indorsements as well as the bill." Now, I do not intend to apply the offensive part of this language to the honorable member. I disclaim doing so. Still less do I intend any reflection upon Mr. Culver. But I say that the letter of Mr. Culver does little or nothing to sustain the honorable member's accusation, and that he must procure stronger indorsements, if he expects his bill to pass current.

What says the Honorable E. D. Culver, in the letter upon which the honorable member relies?

"In reply to your note of the 14th, (says he,) which came to hand last evening, I would state that I was at the Whig caucus, in the northeast corner of the Capitol, on the morning of the 11th of May, 1846. The subject of our deliberations was the anticipated War bill. I think Mr. Winthrop, Mr. Vinton, Mr. Hunt, and yourself, and others were present and spoke. The precise sentiments advanced by Mr. Winthrop I cannot call to mind; but the purport, the general scope of his remarks, was, that we (the Whigs) must not oppose the measure; that policy would require us to support it. I do not recollect his allusion to the Federalists and the war of 1812." (It seems that this impartial cross-examiner had asked some leading questions.) "I think Mr. Vinton took a similar view. Yours was quite the reverse."

Now, Sir, in answer to these *thinkings* and indistinct remembrances of what Mr. Winthrop said, and what Mr. Vinton said, and what Mr. Hunt said, I have here a letter from Mr. Vinton, to say that he never attended that meeting, and here, within

three feet of me, is Mr. Vinton himself, to acknowledge the letter, and to repeat the assertion! While here, again, is another letter from the honorable Washington Hunt, to say that he was absent from Washington on the morning on which the meeting was held, and did not return until the following day!

Mr. Chairman, the most charitable explanation that can be given of this extraordinary and unfounded allegation, which the honorable member from Ohio has so perseveringly brought against me, is that suggested in the letter of my late colleague and friend, Mr. Hudson, who gives it as his opinion, that the honorable member may have confounded this meeting with one which was held in regard to the Oregon notice resolution, when he was the open advocate of measures that looked to war, and I declared myself in favor of measures for the maintenance of peace!

But I leave the honorable member and his friends to find explanations for themselves. It is enough for me to pronounce the charge to be false, and to prove it to be so. Having done this, I now hold it up to the House and to the country, as a fair sample of the charges which have been arrayed against me from the same quarter. *Ex uno, disce omnes.*

Sir, I have done with these personalities. They have not been of my seeking. They are unnatural and revolting to my disposition. I am entirely new to this style of debate. During a ten years' occupancy of a seat in this House, I have never before had occasion to resort to it. I trust that I may never have another such occasion. But I could no longer submit in silence to such gross and groundless aspersions. Gentlemen may vote against me whenever they please. There is no office in the gift of the House, of the people, or of the President, which I covet, or for which I would quarrel with any one for not giving me his support. But no man shall slander me with impunity. No man shall pervert and misrepresent my words and acts, and falsify the record of my public career, without exposure.

That career has been one of humble pretension, and presents no claim of distinguished service of any sort. But such as it is, I am willing that it should be investigated. Examine the record. There may be votes upon it which require explanation;



votes about which honest men may differ; votes as to which I myself may have doubted at the time, and may still doubt. But examine the record fairly and candidly; nothing extenuate, nor set down aught in malice; and you will find that I have neither been false to the North nor to the South, to the East nor to the West. You will find that, while I have been true to my constituents, I have been true, also, to the Constitution and to the Union. This, at least, I know, Sir — my conscience this day bearing me witness — that I have been true to myself, to my own honest judgment, to my own clear convictions of right, of duty, and of patriotism. And we all remember how justly, as well as how nobly, it has been said: —

“ This above all, — to thine own self be true;  
And it must follow, as the night the day,  
Thou canst not then be false to any man.”

And now, Mr. Chairman, I would gladly turn to some serious consideration of the great questions of the day, but I am admonished that my hour is almost exhausted, and I must reserve what I had proposed to say on these topics for another, and I trust an early opportunity. Having once swept this offensive rubbish of personalities out of my path, I shall no longer be obstructed in dealing with the weightier matters which are before us. I cannot conclude, however, on this occasion, without a few distinct declarations.

In the first place, Sir, I have no hesitation in saying, that the admission of California into the Union as a State, under the constitution which she has herself adopted, is, in my judgment, the first and greatest measure to be accomplished at the present session of Congress. For that I am ready; and I shall bring to it whatever powers I possess.

In the second place, Sir, I do not believe that slavery does now exist, or can ever exist, in any of the Territories recently acquired from Mexico, without the positive sanction of law. And such a sanction, I, for one, shall never aid in giving.

In the third place, Sir, while I reserve to myself the full liberty to act and to vote upon every question which may hereafter arise, as my judgment at the time, and under the circumstances, may dictate; I have no hesitation in expressing my

opinion, that the plan proposed by the President of the United States is the plan to which we must come at last, for the settlement of these exciting and difficult questions. I do not say that it is the plan of all others which some of us could have wished to carry out. But the question is not what we wish, but what can we accomplish. "If to do, were as easy as to know what it were good to do, chapels had been churches, and poor men's cottages rich men's palaces." We must aim at something practical and practicable. The President has done so; and, by following out his suggestions, I believe southern sensibilities may be allayed, northern principles satisfactorily vindicated, domestic peace maintained, and the American Union preserved.

And, Mr. Chairman, the American Union must be preserved. I speak for Faneuil Hall. Not for Faneuil Hall, occupied, as it sometimes has been, by an Anti-slavery or a Liberty party convention, denouncing the Constitution and Government under which we live, and breathing threatenings and slaughter against all who support them; but for Faneuil Hall, thronged as it has been so often in times past, and as it will be so often for a thousand generations in times to come, by as intelligent, honest, and patriotic a people as the sun ever shone upon; I speak for Faneuil Hall, and for the great masses of true-hearted American freemen, without distinction of party, who delight to dwell beneath its shadow, and to gather beneath its roof; I speak for Faneuil Hall, when I say, "the Union of these States must not, shall not, be dissolved!"

The honorable member from Ohio, (Mr. Giddings) alluded, the other day, in terms of reproach and condemnation, to a sentiment which I proposed at a public dinner, in this same Faneuil Hall, on the 4th of July, 1845. I am willing that the House and the country should pass judgment upon that sentiment. I am sorry that it is not better; but, such as it is, I reiterate it here to-day. I stand by it now and always. It is my living sentiment, and will be my dying sentiment:—

"OUR COUNTRY—Whether bounded by the St. John's and the Sabine, or however otherwise bounded or described, and be the measurements more or less;—still our country, to be cherished in all our hearts, — to be defended by all our hands!"

## NOTE.

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LETTER FROM THE HON. SAMUEL F. VINTON.

WASHINGTON CITY, April 6, 1848.

WM. SCHOULER, Esq.,

DEAR SIR: I am in receipt of your note, requesting me to state whether there was a meeting of the Whig members of the House of Representatives on the morning of the day when the war with Mexico was declared? Whether Mr. Winthrop was there, and made a speech urging the whole Whig party to vote for the war; and whether I was there, and made a speech to the same purport?

I have no recollection of having been present at that meeting—and if I ever knew that such a meeting was held, the recollection of it has wholly faded away from my memory.

I am, very respectfully, your obedient servant,

SAMUEL F. VINTON.

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LETTER FROM THE HON. W. HUNT.

WASHINGTON, April 1, 1848.

DEAR SIR: I have received your letter of the 30th ult., with a copy of the Boston Atlas of 23d March.

The only answer I can make to your inquiries is to inform you that I was not in this city on the eleventh day of May, 1846. I left the Capital late in April, to visit my residence in New York, and did not return till the 12th of May, the day after the War bill passed the House.

Mr. Culver is mistaken in his impression that I was present at any meeting held on the day to which he refers.

Very respectfully yours,

W. HUNT.

Wm. Schouler, Esq., Editor of the Atlas, Boston.

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EXTRACT OF A LETTER FROM HON. CHARLES HUDSON.

WASHINGTON, April 1, 1848.

SIR: In relation to the meeting of the Whigs on the morning of the 11th,

(May,) I will say to you, as I have said to Mr. Giddings in a full conversation with him on the subject, that I am satisfied that he confounds that meeting with another, which took place at another time and place, on another subject. The news of the conflict between our forces and those of Mexico came into this city on Saturday evening after the adjournment of the House. On Sunday evening some gentlemen told me that it was thought desirable that the Whigs should have a meeting in the morning before the session of the House, as it was expected that the President would send in a war message. I went to the committee-room in the morning, and found not more than half a dozen there; we waited till near the hour of the meeting of the House before we called to order. The members came in slowly, not more than twenty or twenty-five being present at last. I think Mr. Winthrop was not present. But I am perfectly confident that he did not make a speech urging the Whigs to vote for any war measure. I had strong convictions against the propriety of any such measure, and if one of my own colleagues had made such a speech as has been imputed to Mr. Winthrop, I am satisfied that I could not have forgotten it. Besides, boarding as I did with Messrs. Delano, Culver, Root, and King, all of whom voted as I did against the bill, the vote of Mr. Winthrop was a subject of very frequent and very free remark, and yet I never heard any allusion to such a speech, nor, indeed, to any speech of Mr. Winthrop made in caucus on the morning of the 11th May during that or the following session — the first intimation of such a speech coming to my knowledge since Mr. Winthrop was chosen Speaker. My impressions on this whole subject are the more distinct, because those who voted against the war were immediately assailed, and on the 14th of the same month I made a speech against the war, and in justification of my vote.

The Whig meeting on the morning of the 11th of May was in the room of the Committee on Foreign Affairs; but the meeting which I think Mr. Giddings confounds with this was held in the evening in the committee room on Public Lands, in another part of the Capitol. At the last named meeting Mr. Winthrop, Mr. Vinton, Mr. Giddings, and, I think, Mr. Hunt, spoke; but this meeting was some time in the winter, and the subject was the Oregon notice, which had been recommended by the President in his message. In conversation with Mr. Giddings this winter, we both recollected this meeting so well as to be able to point out to each other the position in the room where the speakers respectively stood when they addressed the meeting, and agreed as to the speakers, but differed in our recollections as to the subject under consideration. At this Oregon meeting there was a marked difference of opinion between Mr. Winthrop and Mr. Giddings, and some little warmth was manifested in the debate — Mr. Winthrop being opposed to giving the notice, and Mr. Giddings taking the opposite view of the question, according to my recollection.

I am, respectfully, your obedient servant,

CHARLES HUDSON.

*Col. William Schouler, Editor of the Atlas.*

## EXTRACT OF A LETTER FROM HON. J. GRINNELL.

WASHINGTON, April 1, 1848.

I have to state that I have no recollection of any meeting of the Whigs on the morning of the 11th of May, 1846. I never heard of any until the present session of this Congress. I do not believe that Mr. Winthrop attended any such meeting, for the reason that I am under a strong impression — I may say, that I have as clear a recollection of the fact as of almost any that occurred on that memorable day — that Mr. Winthrop did not leave Mrs. Whitwell's that morning until we left together, near the hour of the meeting of the House, and that we went to the House together, and it was called to order about the time we entered. I may add, there was a very free and full discussion of our votes on this bill for some weeks after, at Mrs. Whitwell's, and that I never heard of Mr. Winthrop's attending any caucus of the Whigs on the day war was declared, or making a speech urging the Whigs to go for the war.

## THE DEATH OF JOHN C. CALHOUN.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, ON THE ANNOUNCEMENT OF MR. CALHOUN'S DEATH, APRIL 1, 1850.

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I AM not unaware, Mr. Speaker, that the voice of New England has already been heard to-day, in its most authentic and most impressive tones, in the other wing of the Capitol. But it has been suggested to me, and the suggestion has met with the promptest assent from my own heart, that here, also, that voice should not be altogether mute on this occasion.

The distinguished person, whose death has been announced to us in the resolutions of the Senate, belongs not, indeed, to us. It is not ours to pronounce his enlogy. It is not ours, certainly, to appropriate his fame. But it is ours, to bear witness to his character, to do justice to his virtue, to unite in paying honor to his memory, and to offer our heartfelt sympathies, as I now do, to those who have been called to sustain so great a bereavement.

We have been told, Sir, by more than one adventurous navigator, that it was worth all the privations and perils of a protracted voyage beyond the line, to obtain even a passing view of the Southern Cross,—that great constellation of the Southern hemisphere. We can imagine, then, what would be the emotions of those who have always enjoyed the light of that magnificent luminary, and who have taken their daily and their nightly direction from its refulgent rays, if it were suddenly blotted out from the sky.

Such, Sir, and so deep, I can conceive to be the emotions at

this hour, of not a few of the honored friends and associates whom I see around me.

Indeed, no one who has been ever so distant an observer of the course of public affairs for a quarter of a century past, can fail to realize, that a star of the first magnitude has been struck from our political firmament. Let us hope, Sir, that it has only been transferred to a higher and purer sphere, where it may shine on with undimmed brilliancy forever!

Mr. Speaker, it is for others to enter into the details of Mr. Calhoun's life and services. It is for others to illustrate and to vindicate his peculiar opinions and principles. It is for me to speak of him only as he was known to the country at large, and to all, without distinction of party, who have represented the country, of late years, in either branch of the National Councils.

And speaking of him thus, Sir, I cannot hesitate to say, that, among what may be called the second generation of American statesmen since the adoption of the Federal Constitution, there has been no man of a more marked character, of more pronounced qualities, or of a wider and more deserved distinction.

The mere length and variety of his public services, in almost every branch of the National Government, running through a continuous period of almost forty years, — as a member of this House, as Secretary of War, as Vice-President of the United States, as Secretary of State, and as a Senator from his own adored and adoring South Carolina, — would alone have secured him a conspicuous and permanent place upon our public records.

But he has left better titles to remembrance than any which mere office can bestow.

There was an unsullied purity in his private life; there was an inflexible integrity in his public conduct; there was an indescribable fascination in his familiar conversation; there was a condensed energy in his formal discourse; there was a quickness of perception, a vigor of deduction, a directness and a devotedness of purpose, in all that he said, or wrote, or did; there was a Roman dignity in his whole Senatorial deportment; which, together, made up a character, which cannot fail to be contemplated and admired to the latest posterity.

I have said, Sir, that New England can appropriate no part

of his fame. But we may be permitted to remember, that it was in our schools of learning and of law that he was trained up for the great contests which awaited him in the forum or the Senate chamber. Nor can we forget how long and how intimately he was associated, in the Executive or Legislative branches of the Government, with more than one of our own most cherished statesmen.

The loss of such a man, Sir, creates a sensible gap in the public councils. To the State which he represented, and the section of country with which he was so peculiarly identified, no stranger tongue may venture to attempt words of adequate consolation. But let us hope that the event may not be without a wholesome and healing influence upon the troubles of the times. Let us heed the voice, which comes to us all, both as individuals and as public officers, in so solemn and signal a providence of God. Let us remember, that, whatever happens to the Republic, we must die! Let us reflect how vain are the personal strifes and partisan contests in which we daily engage, in view of the great account which we may so soon be called on to render! Well may we exclaim, as Cicero exclaimed, in considering the death of Crassus: "*O fallacem hominum spem, fragilemque fortunam, et inanes nostras contentiones!*"

Finally, Sir, let us find fresh bonds of brotherhood and of union in the cherished memories of those who have gone before us; and let us resolve that, so far as in us lies, the day shall never come, when New England men may not speak of the great names of the South, whether among the dead or the living, as of Americans and fellow-countrymen!



**THE**  
**ADMISSION OF CALIFORNIA,**  
**AND THE**  
**ADJUSTMENT OF THE SLAVERY QUESTION.**

**A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE  
UNITED STATES, IN COMMITTEE OF THE WHOLE ON THE STATE OF  
THE UNION, MAY 8, 1850.**

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WHEN I had the honor of addressing the Committee of the Whole on the State of the Union some weeks ago, I intimated my purpose to take another opportunity, at no distant day, to express, somewhat more in detail than I was able to do on that occasion, the views which I entertain in regard to what have well been called the great questions of the day.

The eager competitions for the floor, which have been witnessed here almost without intermission from that time to this, have postponed the accomplishment of this purpose much longer than I could have desired.

I rise now, however, at last, to fulfil it. And most heartily do I wish, Mr. Chairman, that, in doing so, I could see my way clear to contribute something to the repose of the country, and to the harmony of our national councils. I yield to no one in the sincerity or the earnestness of my desire, that every bone of contention between different portions of the Union may be broken, every root of bitterness removed, and that the American Congress may be seen again in a condition to discharge its

legitimate functions, of providing at once for the wants of the Government and for the interests of the people. If there be an example in history, which I would gladly emulate at such a moment as this, it is that of an old Swiss patriot, four hundred years ago — of whom I have recently read an account — who, when the confederated cantons had become so embittered against each other, by a long succession of mutual criminations and local feuds, that the dissolution of the confederacy was openly proposed and discussed, and the liberties of Switzerland seemed on the very verge of ruin, was suddenly found rushing from his cherished retirement into the Assembly of Deputies, and exclaiming, "*Concord, concord, CONCORD!*" and who, it is related, by his prudence, his patriotism, and his eloquence, brought back that Assembly, and the people whom they represented, to a sense of the inestimable blessings which were at stake upon the issue, and finally succeeded in restoring his distracted country to a condition of harmony, tranquillity, and assured Union!

Sir, there is no sacrifice of personal opinion, of pride of consistency, of local regard, of official position, of present havings or of future hopes, which I would not willingly make to play such a part as this.

Perhaps it may be said, that it has been played already. Perhaps it may be said, that a voice, or voices, have already been heard in the other end of this Capitol, if not in this, which have stilled the angry storm of fraternal discord, and given us the grateful assurance that all our controversies shall be peacefully settled.

At any rate, Sir, whether this be so or not, I am but too sensible that it is not given to me, in this hour, to attempt such a character. And let me add, that there is one sacrifice which I could never make, even for all the glory which might result from the successful performance of so exalted a service. I mean, the sacrifice of my own deliberately adopted and honestly cherished principles. These I must avow, to-day and always. These I must stand to, here and everywhere. Under all circumstances, in all events, I must follow the lead of my own conscientious convictions of right and of duty.

I assume then, to-day, Mr. Chairman, no character of a pacificator. I have no new plan of adjustment or reconciliation to offer for the difficulties and dissensions in which we are unhappily involved.

Still less, Sir, have I sought the floor for the purpose of entering into fresh controversy with anybody in this House or elsewhere. Not even the gratuitous imputations, the second-hand perversions and stale sarcasms, of the honorable member from Connecticut, (Mr. Cleveland,) a few days ago, can tempt me to employ another hour of this session in the mere cut and thrust of personal encounter. I pass from that honorable member with the single remark, that it required more than all his vehement and turgid declamation against others, who, as he suggested, were shaping their course with a view to some official promotion or reward, to make me, or, as I think, to make this House, forget, that the term of one of his own Connecticut Senators was soon about to expire, that the Connecticut Legislature was just about to assemble, and that the honorable member himself was well understood to be a prominent candidate for the vacancy!

And I shall be equally brief with the distinguished member from Pennsylvania, (Mr. Wilmot,) who honored me with another shaft from the self-same quiver on Friday last. I will certainly not take advantage of his absence to deal with him at any length. But I cannot forbear saying, that as I heard him pouring forth so bitter an invective, so pitiless a philippic, against Southern arrogance and Northern recreancy, and as I observed the sleek complacency with which he seemed to congratulate himself that he alone had been proof against all the seductions of patronage and all the blandishments of power, I could not help remembering that his name was an historical name more than a century ago, and the lines in which a celebrated poet had embalmed it for immortality, came unbidden to my lips:

" Shall parts so various aim at nothing new?  
He'll shine a Tully and a Wilmot too!"

My object to-day, Mr. Chairman, is the simple and humble one of expressing my own views on matters in regard to which I have, in some quarters, been, either intentionally or unintention-

ally, misunderstood and misrepresented. The end of my hour will find me, I fear, with even this work but half accomplished ; and I must rely on being judged by what shall be printed hereafter, rather than by what I may succeed in saying now. I will not, however, make my little less, by wasting any more of my time in an empty exordium, but will proceed at once to the business in hand.

And, in the first place, Sir, I desire to explain, at the expense of some historical narrative and egotistical reference, the position which I have heretofore occupied in relation to a certain anti-slavery proviso, which has been the immediate occasion of most of those sectional dissensions by which our domestic peace has been of late so seriously disturbed.

I need not say, Sir, that I am no stranger to that proviso, though, during the whole of the last Congress, I was precluded, by my position in the chair of the House, from giving any vote, or uttering any voice, in regard to it.

There are those here to-day, and I might single out, in no spirit of unkindness certainly, the present chairman of the Committee of Ways and Means, (Mr. Bayly,) as one of them, who have often taken pains to remind the House and the country, that this proviso was formally proposed by me to a bill for establishing a government in the Oregon territory, before the honorable member from Pennsylvania, whose name it now bears, (Mr. Wilmot,) had entered upon his Congressional career.

I have never denied this allegation. I have never desired to deny it. The fact is upon record ; and I would not erase or alter that record if it were in my power to do so. But, Sir, I have often desired, and always intended, whenever I should again be free to take part in the discussions of this body, to recall to the remembrance of the House and of the country, the circumstances under which, and the views with which, that proposition was made.

It was made, Mr. Chairman, on the 1st day of February, 1845. And what was the condition of the country, and of the public affairs of the country, on that day ?

Oregon was then a disputed territory. We were engaged at that time, Sir, in negotiations with Great Britain, in respect to

the conflicting claims of the two countries to that remote region. Those negotiations had been long protracted, and had engendered a spirit of restless impatience on the subject, in the minds of a great portion of the American people. The question, too, had been drawn, — as, I regret to say, almost every question in this country seems destined to be drawn, — into the perilous vortex of party politics; and a Democratic Presidential triumph had just been achieved, under a banner on which were legibly inscribed the well-remembered figures  $54^{\circ} 40'$ , and the well-remembered phrase, “the whole or none.”

Under these circumstances, Sir, a bill was introduced into this House, to extend the jurisdiction of the United States over the whole territory in dispute, and to authorize the assumption and exercise of one of the highest attributes of exclusive sovereignty, by granting lands to settlers.

The bill was in other respects highly objectionable. It provided for carrying on a government by the appointment of only two officers — a governor and a judge — who were to have absolute authority to promulgate and enforce, throughout the territory of Oregon, any and all laws which they might see fit to select from the statutes of any State or Territory in the Union. The whole destinies of Oregon were thus to be confided to the discretion of two men, who were to make up a code of laws to suit themselves, by picking and culling at pleasure from all the statute books of the country. They were at liberty, as the bill stood — although the entire territory was above the latitude of  $36^{\circ} 30'$  — to adopt a slave code or a free code, as might be most agreeable to their own notions; and there was, at that very moment, lying upon the tables before us, a report from the Indian agent or sub-agent in that quarter, from which it appeared, that a number of the native Indians had already been captured and enslaved by the white settlers, and that they were held in a state of absolute and unjustifiable bondage.

It was under these circumstances, Mr. Chairman, that I moved the proviso in question; and I now read, from a speech printed at the time, the remarks which I made on the occasion:

“One limitation upon the discretion of these two irresponsible law-givers ought certainly to be imposed, if this bill is to pass. As it now stands, there is nothing to pre-

vent them from legalizing the existence of domestic slavery in Oregon. It seems to be understood, that this institution is to be limited by the terms of the Missouri compromise, and is nowhere to be permitted in the American Union above the latitude of 36° 30'. There is nothing, however, to enforce this understanding in the present case. The published documents prove that Indian slavery already exists in Oregon. I intend, therefore, to move, whenever it is in order to do so, the insertion of an express declaration, that 'there shall neither be slavery nor involuntary servitude in this Territory, except for crime, whereof the party shall have been duly convicted.'

I did not stop here, however, Sir. The whole argument of my speech on that occasion, with the exception of the single sentence which I have cited, was against the passage of the bill in any form.

"I am in hopes, Mr. Chairman, (such was my distinct avowal,) that the bill will not become a law at the present session in any shape. Every thing conspires, in my judgment, to call for the postponement of any such measure to a future day."

The great and paramount objection to the bill, in my mind, was that it would jeopard the peace of the country; that it would break up the amicable negotiations in which we were engaged, and would leave no other alternative for settling the vexed question of title between us and Great Britain, but the stern arbitrament of war.

Entertaining this opinion, I aimed at defeating the measure by every means in my power; and it was well understood, at the time, that this very proviso was one of the means upon which I mainly relied for the purpose. I deliberately designed, by moving it, to unite the Southern Democracy with the conservative Whigs of both the North and the South, in opposition to the bill, and thus to insure its defeat.

The motion prevailed. The proviso was inserted by a vote of 131 to 69. And I, for one, then carried out my opposition to the bill by voting against it, proviso and all. The Southern Democracy, however, did not go with me on this vote. Not a few of them,—the present Speaker of the House among the number,—all of them, indeed, who were present, except four, voted in favor of the bill, notwithstanding the anti-slavery clause; and accordingly it passed the House. But there can be little doubt that this clause had its influence in arresting the bill in the other wing of the Capitol, where it remained unacted upon until the close of the session, and was thus finally lost.

Sir, a bill to create a territorial government in Oregon, containing this identical proviso, has since been passed through both Houses of Congress, and has received the sanction and signature of a Southern Democratic President; and I do not suppose, therefore, that this original motion of mine will be hereafter so frequent a subject of Southern Democratic censure, as it hitherto has been. But I have desired to place upon record, in *perpetuam memoriam rei*, this plain, unvarnished history of the case; and having done so, I willingly submit myself to whatever measure of censure or reproach such a state of facts may fairly subject me to, either from the South or from the North. If the offering of this proviso to this bill, under these circumstances, with these views, and with this result, be the unpardonable offence which it has sometimes been styled, I can only say, "*adsum, qui feci; in me convertite ferrum!*" Nay, Sir, I will say further, that if it be fairly traceable to this movement of mine, that it is no longer an open question whether domestic slavery shall find a foothold in the Territory of Oregon, I shall feel that it has not been entirely in vain, that I have been for ten years associated with the public councils of my country.

I come next, Mr. Chairman, to the proviso, which has more legitimately received the name of the honorable member from Pennsylvania, (Mr. Wilmot.) And it is not less important in this case, than in the other, to recall to the remembrance of the House and of the country the circumstances under which this proviso, also, was proposed.

I think, Sir, that no one, who was a member of Congress at the time, will soon forget the eighth day of August, 1846. The country was at war with Mexico, and Congress was within eight-and-forty hours of the appointed close of a most protracted and laborious session. We were already almost exhausted by hot weather and hot work, and all the energies which were left us were required for winding up that great mass of public business which always awaits the closing hours, whether of a longer or a shorter session. Under these circumstances, a message was received by this House from President Polk, calling for an appropriation of money to enable him to negotiate a treaty of peace, and intimating, by a distinct reference to the precedent of the

purchase of Louisiana, that he designed to employ this money in the acquisition of more territory.

Such a message, I need not say, Sir, took all who were not in the President's secrets greatly by surprise. The idea of bringing money to the aid of our armies for the purpose of buying a peace from a nation like Mexico, could not fail to inflict a severe wound upon our national pride; while the lust of territorial acquisition and aggrandizement, which was thus plainly betrayed, gave a deeper dye of injustice and rapine to the war into which we had been so recklessly plunged.

No time was afforded us, however, for reflections or deliberations of any sort. The message was referred at once to the Committee of the Whole on the State of the Union, and a bill was forthwith originated in that committee, under the lead of General McKay, of North Carolina, for placing two millions of dollars at the unlimited discretion of the President.

For the debate upon this bill, two or three hours of a hot summer afternoon were grudgingly allowed by the Democratic majority in this House, and these two or three hours were divided off into homœopathic portions of five minutes each. My honorable friend from New York, (Mr. Hugh White,)—the senior member of the New York delegation, and who, I hope, will long remain here to enjoy the dignity of that position—obtained the floor for the first five minutes, and I was fortunate or unfortunate enough to follow him. No amendment to the bill had then been adopted, and no proviso moved. But here is what I said on that occasion, as reported in the *National Intelligencer* at the time:

“Mr. Winthrop said that he should follow the example of his friend from New York, (Mr. White,) and confine himself to a brief statement of his views, reserving to himself the privilege of amplifying and enforcing them hereafter. The Administration and its friends had thought fit during the present session to frame more than one of their most important measures, so as to leave their opponents in a false position whichever way they voted. There were two things which he had not imagined, in advance, that any circumstances could have constrained him to do, and from which he would gladly have been spared. One of them was to give a vote which might appear to lend an approving sanction to a war which had been caused by the annexation of Texas; the other was to give a vote which might appear like an opposition to the earliest restoration of peace, either with Mexico or any other power on earth. But he must let appearances take care of themselves. He was not here to pronounce opinions either upon the



preamble of a bill or the phrases of a President's message. He was here to vote on substantial provisions of law, proposed with a view to their practical interpretation and execution. One of these votes he had given already, under circumstances which were familiar to the House and to the country. He believed it then, and he believed it now, upon the most deliberate reflection, to be the best vote of which the case admitted. And now, he greatly feared, that he was about to be compelled to give the other of these abhorrent votes. He could not and would not vote for this bill as it now stood.

"What was the bill? A bill to place two millions of dollars at the disposal of the President 'for any extraordinary emergencies which might arise out of our intercourse with foreign nations.' Not a word about peace. Not a word about Mexico. Not a syllable about the disputed boundaries on the Rio Grande. It was a vote of unlimited confidence in an Administration, in which, he was sorry to say, there was very little confidence to be placed. They might employ this money towards buying California, or buying Cuba, or buying Yucatan, or buying the Sandwich Islands, or buying any other territory they might fancy in either hemisphere. If we turned to the message of the President, it was hardly more satisfactory. Nothing could be more evident than that this appropriation was asked for as the earnest money for a purchase of more territory. The message expressly stated that it was to be used in part payment for any concessions which Mexico might make to us. The President already had the claims of our citizens to deal with to the amount of three millions or more. Here were two millions more to be placed in his hand, in cash. What was to be the whole payment, for which five millions of dollars was wanted as an advance? And where was this territory to be? The message, as if not willing to leave us wholly in the dark, had pointed expressly to the example of 1803 — to the purchase of Louisiana — and this very bill (as Mr. W. understood) had been copied *verbatim* from the act by which that purchase was indirectly sanctioned. The President has thus called upon us, in language not to be misunderstood, to sanction, in advance, a new and indefinite acquisition of southern territory. To such an acquisition he (Mr. W.) was opposed. He had said heretofore, and he repeated now, that he was uncompromisingly opposed to extending the slaveholding territory of the Union. He wanted no more territory of any sort; but of this we had more than enough already.

"He cordially responded to the President's desires to bring about a just and honorable peace at the earliest moment. Nothing would give him more real satisfaction than to join in a measure honestly proposed for that purpose. He did not grudge the payment of the two millions. He would appropriate twenty millions for the legitimate purposes of a treaty of peace, without a moment's hesitation. And he still hoped that this measure might assume a shape in which he could give it his support. Limit the discretion of the President to a settlement of those boundaries which have been the subject of dispute. Hold him to his solemn pledges, twice repeated, that he would be ready at all times to settle the existing differences between the two countries on the most liberal terms. Give him no countenance in his design to take advantage of the present war to force Mexico into the surrender, or even the sale, of any of her provinces. If anybody wants a better harbor on the Pacific, let him wait till it can be acquired with less of national dishonor. But whatever you do or omit to do, give us at least to be assured that this appropriation is not to be applied to the annexation of another Texas, or even to the purchase of another Louisiana." [Here the hammer fell.]

This, Mr. Chairman, was my five minutes' speech on that memorable occasion. It was "brief as the posy of a ring;"

but it contained quite as much substance as some that are longer. It embraced three distinct ideas: *first*, that I was opposed to the continuance, as I had been to the commencement, of the war with Mexico, and that I was ready to vote for any amount of money which might be demanded for the legitimate purposes of negotiating a treaty of peace; *second*, that I desired no further acquisition of territory on any side or of any sort; and *third*, that I was uncompromisingly opposed to extending the slaveholding territory of the Union.

And in conformity with this last view, when the honorable member from Pennsylvania (Mr. Wilmot) offered his celebrated proviso not long afterwards, I unhesitatingly voted for it.

Sir, I have never regretted that vote; nor have I ever changed, in any degree, the opinions and the principles upon which it was founded. Again and again, I have reiterated those opinions and vindicated those principles; and as my consistency and steadfastness on this point have been artfully drawn into question in some quarters, I must be pardoned for a few citations from speeches of my own, in which I have had occasion to allude to the subject, both in this House and elsewhere.

Here, Sir, in the first place, is an extract from a speech delivered by me in Faneuil Hall, on the 23d day of September, 1846, hardly more than six weeks after the occasion which I have just described:

"Sir, upon all the great points of this question, there is no difference of opinion whatever. All agree, that this war ought never to have been commenced. All agree, that it ought to be brought to a close at the earliest practicable moment. No man present denies that it originated, primarily, in the annexation of Texas; and secondarily, in the marching of the American Army into the disputed territory beyond the Nueces. And no man present fails to deplore and to condemn both of these measures. Nor is there a Whig in this assembly, nor, in my opinion, a Whig throughout the Union, who does not deprecate, from the bottom of his heart, any prosecution of this war, for the purpose of aggression, invasion, or conquest.

"This, this is the matter, in which we take the deepest concern this day. Where, when, is this war to end, and what are to be its fruits? Unquestionably, we are not to forget that it takes two to make a bargain. Unquestionably, we are not to forget, that Mexico must be willing to negotiate, before our own government can be held wholly responsible for the failure of a treaty of peace. I rejoice, for one, that the administration have shown what little readiness they have shown, for bringing the war to a conclusion. I have given them credit, elsewhere, for their original overtures last autumn; and I shall not deny them whatever credit they deserve for their renewed

overtures now. But, Mr. President, it is not everything which takes the name or the form of an overture of peace, which is entitled to respect as such. If it proposes unjust and unreasonable terms; if it manifests an overbearing and oppressive spirit; if it presumes on the power of those who make it, or on the weakness of those to whom it is offered, to exact hard and heartless conditions; if, especially, it be of a character at once offensive and injurious to the rights of one of the nations concerned, and to the principles of a large majority of the other; then it prostitutes the name of peace, and its authors are only entitled to the contempt which belongs to those who add hypocrisy to injustice.

"Sir, when the President of the United States, on a sudden and serious emergency, demanded of Congress the means of meeting a war, into which he had already plunged the country, he pledged himself, in thrice repeated terms, to be ready at all times to settle the existing disputes between us and Mexico, whenever Mexico should be willing either to make or to receive propositions to that end. To that pledge he stands solemnly recorded, in the sight of God and of men. Now, Sir, it was no part of our existing disputes, at that time, whether we should have possession of California, or of any other territory beyond the Rio Grande. And the President, in prosecuting plans of invasion and conquest, which look to the permanent acquisition of any such territories, will be as false to his own pledges, as he is to the honor and interests of his country.

"I believe that I speak the sentiments of the whole people of Massachusetts—I know I speak my own—in saying that we want no more territorial possessions, to become the nurseries of new slave States. It goes hard enough with us, that the men and money of the nation should be employed for the defence of such acquisitions, already made; but to originate new enterprises for extending the area of slavery by force of arms, is revolting to the moral sense of every American freeman.

"Sir, I trust there is no man here who is not ready to stand by the Constitution of the country. I trust there is no man here who is not willing to hold fast to the Union of the States, be its limits ultimately fixed a little on one side, or a little on the other side, of the line of his own choice. For myself, I will not contemplate the idea of the dissolution of the Union, in any conceivable event. There are no boundaries of sea or land, of rock or river, of desert or mountain, to which I will not try, at least, to carry out my love of country, whenever they shall really be the boundaries of my country. If the day of dissolution ever comes, it shall bring the evidence of its own irresistible necessity with it. I avert my eyes from all recognition of such a necessity in the distance. Nor am I ready for any political organizations or platforms less broad and comprehensive than those which may include and uphold the whole Whig party of the United States. But all this is consistent, and shall, in my own case, practically consist, with a just sense of the evils of slavery; with an earnest opposition to everything designed to prolong or extend it; with a firm resistance to all its encroachments on Northern rights; and above all, with an uncompromising hostility to all measures for introducing new slave States and new slave Territories into our Union."

I come next, Mr. Chairman, to a speech delivered in this House, on the 8th of January, 1847, when I found it necessary to oppose the passage of a bill for raising an additional military force. I think the bill was called the Ten Regiment bill.

On that occasion, after alluding to the probable influence of

the measure under consideration on the chances of a peace with Mexico, I proceeded to say, as follows :

"And where, too, is to be our domestic peace, if this policy is to be pursued? According to the President's plan of obtaining 'ample indemnity for the expenses of the war,' the longer the war lasts, and the more expensive it is made, the more territory we shall require to indemnify us. Every dollar of appropriation for this war is thus the purchase-money of more acres of Mexican soil. Who knows how much of Chihuahua, and Coahuila, and New Leon, and Durango, it will take to remunerate us for the expenses of these ten regiments of regulars, who are to be enlisted for five years? And to what end are we thus about to add acre to acre and field to field? To furnish the subject of that great domestic struggle, which has already been foreshadowed in this debate!

"Mr. Chairman, I have no time to discuss the subject of slavery on this occasion, nor should I desire to discuss it in this connection, if I had more time. But I must not omit a few plain words on the momentous issue which has now been raised. I speak for Massachusetts—I believe I speak the sentiments of all New England, and of many other States out of New England,—when I say, that upon this question our minds are made up. So far as we have power—constitutional or moral power—to control political events, we are resolved that there shall be no further extension of the territory of this Union, subject to the institutions of slavery. . . . .

"I believe the North is ready to stand by the Constitution, with all its compromises, as it now is. I do not intend, moreover, to throw out any threats of disunion, whatever may be the result. I do not intend, now or ever, to contemplate disunion as a cure for any imaginable evil. At the same time I do not intend to be driven from a firm expression of purpose, and a steadfast adherence to principle, by any threats of disunion from any other quarter. The people of New England, whom I have any privilege to speak for, do not desire, as I understand their views—I know my own heart and my own principles, and can at least speak for them—to gain one foot of territory by conquest, and as the result of the prosecution of the war with Mexico. I do not believe that even the abolitionists of the North—though I am one of the last persons who would be entitled to speak their sentiments—would be unwilling to be found in combination with Southern gentlemen, who may see fit to espouse this doctrine. We desire peace. We believe that this war ought never to have been commenced, and we do not wish to have it made the pretext for plundering Mexico of one foot of her lands. But if the war is to be prosecuted, and if territories are to be conquered and annexed, we shall stand fast and forever to the principle that, so far as we are concerned, these territories shall be the exclusive abode of freemen.

"Mr. Chairman, peace, peace is the grand compromise of this question between the North and the South. Let the President abandon all schemes of further conquest. Let him abandon his plans of pushing his forces to the heart of Mexico. Now, before any reverses have been experienced by the American arms, he can do so with the highest honor. Let him exhibit a spirit of magnanimity towards a weak and distracted neighbor. Let him make distinct proclamation of the terms on which he is ready to negotiate; and let those terms be such as shall involve no injustice towards Mexico, and engender no sectional strife among ourselves. But, at all events, let him tell us what those terms are to be. A proclamation of Executive purposes is essential to any legislative or any national harmony. The North ought to know them, the South ought to know them, the whole country ought to understand for what ends its blood

and treasure are to be expended. It is high time that some specific terms of accommodation were proclaimed to Congress, to Mexico, and to the world. If they be reasonable, no man will hesitate to unite in supplying whatever means may be necessary for enforcing them."

✓ I come lastly, Mr. Chairman, to a speech which I made in this House on the 22d of February, 1847, and from which I shall venture to quote a still longer extract. It was on this occasion, Sir, and in connection with these remarks, that I offered to the bill then pending—which was a bill making an appropriation of nearly thirty-five millions of dollars for the single item of supporting the army—a *proviso* in the following words:

✓ "Provided, further, That these appropriations are made with no view of sanctioning any prosecution of the existing war with Mexico for the acquisition of territory to form new States to be added to the Union, or for the dismemberment in any way of the Republic of Mexico."

That, Sir, was my proviso. And if anybody shall ever deem my name worthy of being associated with any legislative proposition, I hope this one will not be forgotten. I am willing that it should be known in all time to come as the Winthrop proviso.

It was indeed almost identical with a resolution proposed in the other branch of Congress, by an honorable Senator from Georgia, (Mr. Berrien,) and it shared the same fate with his resolution. Every Whig member present at the time, except one, voted in favor of its adoption. There were seventy-six Whigs in all, from all parts of the country, North and South, East and West, whose names are inscribed on the journals in favor of this proviso. But no Democrat voted for it; not one. And among the names of the one hundred and twenty-four Democrats who defeated it, may be seen those of the honorable member from Pennsylvania, (Mr. Wilmot,) and of the honorable member from New York, (Mr. Preston King,) side by side with those of the present Speaker of this House, (Mr. Cobb,) of the present chairman of this committee, (Mr. Boyd,) and of all the other Southern Democrats of the day.

It was on this occasion, Sir, that I expressed myself as follows:

"Mr. Chairman, I have intimated on another occasion that I do not go so far as some of my friends in regard to the propriety or expediency of withholding all supplies from the Executive. While a foreign nation is still in arms against us, I would limit the supplies to some reasonable scale of defence, and not withhold them altogether. I would pay for all services of regulars or volunteers already contracted for. I would provide ample means to prevent our army from suffering, whether from the foe or from famine, as long as they are in the field under constitutional authority. Heaven forbid that our gallant troops should be left to perish for want of supplies because they are on a foreign soil, while they are liable to be shot down by the command of their own officers if they refuse to remain there! But I cannot regard it as consistent with constitutional or republican principles to pass this bill as it now stands. Even if I approved the war, I should regard such a course of legislation as unwarrantable. Disapproving it, as I unequivocally and unqualifiedly do, I am the more induced to interpose these objections to its adoption.

"Sir, this whole Executive policy of overrunning Mexico to obtain territorial indemnities for pecuniary claims and the expenses of the war, is abhorrent to every idea of humanity and of honor. For one, I do not desire the acquisition of one inch of territory by conquest. I desire to see no fields of blood annexed to this Union, whether the price of the treachery by which they have been procured shall be three million pieces of silver or only thirty! I want no more areas of freedom. Area, if I remember right, signified threshing-floor, in my old school dictionary. We have had enough of these areas, whether of freedom or slavery; and I trust this war will be brought to a close without multiplying or extending them.

"I repeat this the more emphatically, lest my vote in favor of the Three Million bill should be misinterpreted. Nothing was further from my intention, in giving that vote, than to sanction the policy of the Executive in regard to the territories of Mexico. If he insists, indeed, on pursuing that policy, and if a majority of Congress insist on giving him the means, I prefer purchase to conquest; and had rather authorize the expenditure of three millions to pay Mexico, than of thirty millions to whip her. But everybody must have understood that the proviso was a virtual nullification of the bill, for any purpose of acquiring territory, in the hands of a southern administration.

"It was for that proviso that I voted. I wished to get the great principle which it embodied fairly on the statute-book. I believe it to be a perfectly constitutional principle, and an eminently conservative principle. . . .

"I have said that I regarded this principle as eminently conservative, as well as entirely constitutional. I do believe, Sir, that whenever the principle of this proviso shall be irrevocably established, shall be considered as unchangeable as the laws of the Medes and Persians, then, and not till then, we shall have permanent peace with other countries, and fixed boundaries for our own country. It is plain that there are two parties in the free States. Both of them are opposed — uncompromisingly opposed, as I hope and believe — to the extension of slavery. One of them, however, and that the party of the present Administration, are for the widest extension of territory, subject to the anti-slavery proviso. The other of them, and that the party to which I have the honor to belong, are, as I believe, content with the Union as it is, desire no annexation of new States, and are utterly opposed to the prosecution of this war for any purpose of dismembering Mexico. Between these two parties in the free States the South holds the balance of power. It may always hold it. If now, therefore, it will join in putting an end to this war, and in arresting the march of conquest upon which our armies have entered, the limits of the Republic as well as the limits of slavery may be finally established. . . .

"If we could at last lay down permanently the boundary of our Republic — if we could feel that we had extinguished forever the lust of extended dominion in the bosoms of the American people — if we could present that old god Terminus, of whom we have heard such eloquent mention elsewhere, not with outstretched arm still pointing to new territories in the distance, but with limbs lopped off, as the Romans sometimes represented him, betokening that he had reached his very furthest goal — if we could be assured that our limits were to be no further advanced, either by purchase or conquest, by fraud or by force — then, then we might feel that we had taken a bond of fate for the perpetuation of our Union:

"It is in this spirit that I voted for the proviso in the Three Million bill. It is in this spirit that I offer the third proviso to the Thirty Million bill before us. Pass them both — cut off, by one and the same stroke, all idea both of the extension of slavery and the extension of territory — and we shall neither need the three millions, nor the thirty millions, for securing peace and harmony, both at home and abroad."

Mr. Chairman, I know not but that I might be induced to abate something of the ambitious rhetoric of these remarks, if I were making the speech over again; but I do not desire to change one jot or tittle of their substantial matter. I adhere, this day, to all the sentiments and all the principles of that speech; and, so far as they are applicable to the present moment and to existing circumstances, and so far as may consist with the paramount duty which I owe to the peace and the union of my country, I intend to shape my course with a view of carrying them out to their practical fulfilment.

I have long ago made up my mind, that, whatever prospect there may be of adjusting and reconciling the conflicting interests and claims of different portions of the Union, there is no prospect, and no possibility, of harmonizing their discordant opinions. Certainly, Sir, neither labored arguments, nor heated appeals, nor angry menaces; neither threats of disorganization here, nor of conventions elsewhere, have done any thing towards accomplishing such a result, so far as I am concerned.

I hold now, as I held three years ago, that it is entirely constitutional for Congress to apply the principles of the ordinance of 1787 to any territory which may be added to the Union.

I hold now, as I held then, that the South have no right to complain of such an application of these principles by those of us who have declared this doctrine in advance, and who have steadily opposed all acquisition of territory.

I hold now, as I held then, that their reproaches and fulmina-

tions ought to be exclusively reserved for those among themselves, and for their allies in other parts of the country, who have persisted in bringing this territory into the Union, with the distinct understanding that it was "to furnish the subject of this great domestic struggle."

I hold now, too, as I held then, that one of the greatest advantages of ingrafting these principles unchangeably upon our national policy, would be to extinguish the spirit of annexation and conquest in the region where we must all acknowledge that it has ever been most rife, and thus to secure for us "permanent peace with other countries, and fixed boundaries for our own country."

Do you remember, Mr. Chairman, that old classical dialogue between Pyrrhus, the King of Epirus, and his eloquent counselor, Cineas? Pyrrhus, we are told, in disclosing his plans of government, had stated his purpose of subjecting Italy to his sway; when Cineas asked, "And having overcome the Romans, what will your majesty do next?" "Why, Sicily, said the King, "is next door to Italy, and it will be easy to subdue that." "And having got possession of Sicily," said the counselor, "what next will be your royal pleasure?" "I have a mind then," said Pyrrhus, "to pass over into Africa." "And what after that?" said Cineas. "Why then, at last, we will give ourselves up to quiet, and enjoy a delightful peace." "But what," rejoined the wise and sagacious counsellor, "what prevents you from enjoying that quiet and that delightful peace now?"

I can conceive such a dialogue passing between one of our late American Presidents and some confidential friend or cabinet adviser. "I have a mind to annex Texas." "And what will you do next?" "Why, Mexico is next door to Texas, and it will be easy to subject her to our arms." "And having conquered Mexico, and taken possession of such of her provinces as you desire, what next does your excellency propose?" "I think we shall then be ready for passing over to Cuba." "And what after that?" "Why, then, we will devote ourselves to peace, and enjoy a quiet life." "And why, why—it might well have been asked—should you not enjoy that peace and



quiet now? Why will you persist in disturbing the quiet, and perilling the peace, and putting in jeopardy the glorious Union which you now enjoy, by rushing into so wild, so wanton, and, I had almost said, so wicked a policy?"

Sir, it is not to be denied that it is this spirit of annexation and conquest, growing by what it feeds on, which has involved us in all our present troubles, and which threatens us with still greater troubles in future. We are reaping the natural and just results of the annexation of Texas, and of the war which inevitably followed that annexation. We have almost realized the fate of the greedy and ravenous bird in the old fable. *Aesop* tells us of an eagle, which, in one of its towering flights, seeing a bit of tempting flesh upon an altar, pounced upon it, and bore it away in triumph to its nest. But, by chance, he adds, a coal of fire from the altar was sticking to it at the time, which set fire to the nest and consumed it in a trice. And our American eagle, Sir, has been seen stooping from its pride of place, and hovering over the altars of a weak neighboring power. It has at last pounced upon her provinces, and borne them away from her in triumph. But burning coals have clung to them! Discord and confusion have come with them! And our own American homestead is now threatened with conflagration!

This, Mr. Chairman, is the brief history of our condition. I trust in Heaven that the lesson will not be lost upon us. Gentlemen talk of settling the whole controversy which has been kindled between the North and the South by some sweeping compromise, or some comprehensive plan of reconciliation. I hope that the controversy will be settled, Sir; but I most earnestly hope and pray, that it will not so be settled, that we shall ever be in danger of forgetting its origin. I hope and pray that it will not so be settled, that we shall ever again imagine, that we can enter with impunity on a career of aggression, spoliation, and conquest! This embittered strife, this protracted suspense, these tedious days and weeks and months of anxiety and agitation, will have had their full compensation and reward, if they shall teach us never again to forget the curse which has been pronounced upon those "who remove their neighbors' landmarks;"—if they shall teach us to realize, in all time to

come, that a policy of peace and justice towards others, is the very law and condition of our own domestic harmony and our own national Union!

And now, Mr. Chairman, how is the great controversy by which our country is agitated, to be settled?

In the first place, Sir, I do not believe that it is to be settled by multiplying and accumulating issues. I have no faith in the plan of raking open all the subjects of disagreement and difference which have existed at any time between different sections of the country, with a view of attempting to bring them within the influence of some single panacea. Certainly, Sir, if such a plan is to be attempted, we are not to forget that there are two sides to the question of aggression. The Southern States complain, on the one side, that some of their runaway slaves have not been delivered up by the free States, agreeably to the provisions of the Constitution of the United States. The Northern States complain, on the other side, that some of their freemen have been seized and imprisoned in the slave States, contrary to the provisions of the same Constitution. I was, myself, called upon some years ago, by the merchants and ship-owners of Boston — as patriotic a body of men as can be found on the face of this continent, and whose zeal for liberty is not less conspicuous than their devotion to the Union — to bring this latter subject to the attention of Congress. I made a report upon it to this House in 1843, in which, among other remarks, I used the following language:

✓ “That American or foreign seamen, charged with no crime, and infected with no contagion, should be searched for on board the vessels to which they belong; should be seized while in the discharge of their duties, or, it may be, while asleep in their berths; should be dragged on shore and incarcerated without any other examination than an examination of their skins; and should be rendered liable, in certain contingencies, over which they may have no possible control, to be subjected to the ignominy and agony of the lash, and even to the infinitely more ignominious and agonizing fate of being sold into slavery for life, and all for purposes of police — is an idea too monstrous to be entertained for a moment.”

Now, Sir, I will not undertake to compare the two grievances to which I have thus alluded. But this I do say, that if the one is to be insisted on as a subject for immediate redress and repa-

ration, I see not why the other should not be also. For myself, I acknowledge my allegiance to the whole Constitution of the United States, and I am willing to unite in fulfilling and enforcing, in all reasonable and proper modes, every one of its provisions. I recognize, indeed, a Power above all human law-makers, and a code above all earthly constitutions! And whenever I perceive a plain conflict of jurisdiction and authority between the Constitution of my country and the laws of my God, my course is clear. I shall resign my office, whatever it may be, and renounce all connection with public service of any sort. Never, never, Sir, will I put myself under the necessity of calling upon God to witness my promise to support a Constitution, any part of which I consider to be inconsistent with His commands.

But it is a libel upon the Constitution of the United States; and, what is worse, Sir, it is a libel upon the great and good men who framed, adopted, and ratified it; it is a libel upon Washington, and Franklin, and Hamilton, and Madison, upon John Adams, and John Jay, and Rufus King; it is a libel upon them all, and upon the whole American people of 1789, who sustained them in their noble work; and upon all who, from that time to this, generation after generation, in any capacity, national, municipal, or state, have lifted their hands to heaven, in attestation of their allegiance to the Government of their country;—it is a gross libel upon every one of them, to assert or insinuate that there is any such inconsistency! Let us not do such dishonor to the Fathers of the Republic, and to the framers of the Constitution. It is a favorite policy, I know, of some of the ultraists in my own part of the country, to stigmatize the Constitution of the United States as a pro-slavery compact. I deny it, Sir. I hold, on the other hand, that it is a pro-liberty compact; the most effective pro-liberty compact which the world has ever seen, Magna Charta not excepted; and one which every friend to liberty—human liberty, or political liberty—ought steadfastly to maintain and support.

“To secure the blessings of liberty to ourselves and our posterity,”—this was the grand climax in that enumeration of its objects which constitutes its well-remembered preamble. This

was the object for which it was avowedly, and for which it was really, framed ; and this is the object which it has, in fact, beyond all other instruments, advanced and promoted.

The Convention which framed that instrument found African slavery, indeed, a fixed fact upon our soil ; and some of the provisions which they adopted, had undoubted and admitted reference to that fact. But what is the legitimate interpretation of these provisions ? It is a remark, I think, as old as Epictetus, that every thing has two handles ; and it is as true of these provisions as of every thing else, that we must take hold of them by the right handle, in order to understand their true design.

We are told that the Constitution encouraged slavery, by providing for the toleration of the African slave trade for twenty years. In my judgment, Sir, it should rather be said, that the Constitution struck a strong, and, as its framers undoubtedly believed, a fatal blow at slavery, by securing to the Federal Government the power, which it never before possessed, to prohibit that trade at the end of twenty years.

We are told that it encouraged slavery, by making it the basis of representation in this House. In my judgment it should rather be said, that it discouraged slavery, by taking away two fifths of that representation to which the Southern States would have been entitled on their black population, if that population had been a wholly free population.

We are told that it encouraged slavery, by providing for the suppression of insurrections. But everybody knows, that this provision had as much reference to insurrections in the free States as in the slave States ; and that, in point of fact, it was Shays's rebellion in Massachusetts, which, being in progress at the very period when the Constitution was under consideration, gave an immediate impulse to the movement by which the power of interfering in such cases was conferred on the Federal Government. " Among the ripening incidents," said Mr. Madison, in his account of the circumstances which led to the adoption of the Constitution, " was the insurrection of Shays, in Massachusetts, against her government, which was with difficulty suppressed, notwithstanding the influence on the insurgents of an apprehended interposition of the Federal troops."

We are told, finally, that the Constitution encouraged slavery, by a provision for the surrender of persons "held to service or labor." Now, Sir, even this provision fulfils the suggestion which was made by Mr. Madison at the time the Constitution was framed, and "avoids the idea that there can be property in man." It demands of us only a recognition of the admitted and familiar fact, that there may be property in "the service or labor" of man. It provides for the restoration of all runaways alike, white or black, who may be "held to service or labor" for life or for years, as indented apprentices or otherwise, in any part of the country, — precluding all right on the part of any of the States to inquire, for any purpose of discrimination in regard to fugitives from other States, by what tenure, of temporary contract or of hereditary bondage, they are held to such "service or labor." If by some emancipation act, like that which was adopted many years ago by Great Britain in reference to her West India colonies, the slaves in our Southern States should be converted into apprentices for a term of years, this article of the Constitution would be just as applicable to that state of things, as it is to the state of things now existing. It has no necessary or exclusive relation to the existence of slavery. But taking it, as it was unquestionably intended, as a provision for the restoration of slaves, as long as slavery shall exist, is there enough in this clause of the Constitution, to justify any one in branding that instrument with the abhorrent title of a pro-slavery compact?

Sir, the Constitution is to be considered and judged of as a whole. The provisions which relate to the same subject-matter, certainly, are to be examined together, and compared with each other, in order to obtain a just interpretation of its real character and intent. Let this clause, then, be taken in connection with that which has authorized and effected the annihilation of the African slave trade, as a lawful trade, from any part of this vast American Union. Let the few cases in which individual fugitives may be remanded to their captivity, in conformity with one of these provisions, be compared with the countless instances in which whole shiploads of freemen would have been torn from their native soil and transported into slavery, but for the other; and then tell me, what is the just designation of the compact

which contains them both! Suppose, Sir, for a moment, that the framers of the Constitution had resolved to *ignore* the existence of slavery altogether; suppose that the idea, which I have sometimes heard suggested as a desirable one, had been adopted by them at the outset, and that all the preëxisting rights of the States in regard to slavery and all its incidents had been left unrestricted and unaltered; would that have better subserved the great cause of human liberty? We should have had, indeed, no fugitive slave clause. But for every slave who made his escape, we should have had a hundred slaves, freshly brought over from Africa, Brazil, or the West Indies, as long as there was a foot of soil on which they could be profitably employed; and every one of them must have been counted, not as three fifths, but as a whole man, to swell the basis of that representation in this House and in the Electoral Colleges, by which the slave interest would have been rendered predominant forever in our land!

Undoubtedly, Mr. Chairman, there are provisions in the Constitution which involve us in painful obligations, and from which some of us would rejoice to be relieved, and this is one of them. But there is none, none, in my judgment, which involves any conscientious or religious difficulty. I know no reservation, equivocation, or evasion, in the oath which I have so often taken to support that Constitution; and whenever any measure is proposed to me for fulfilling or enforcing any one of its clear obligations or express stipulations, I shall give to it every degree of attention, consideration, and support, which the justice, the wisdom, the propriety, and the practicability of its peculiar provisions may demand or warrant. In legislating, however, for the restoration of Southern slaves, I shall not forget the security of Northern freemen. Nor, in testifying my allegiance to what has been termed the extradition clause of the Constitution, shall I overlook those great fundamental principles of all free governments — the *Habeas Corpus* and the Trial by Jury.

But I repeat, Mr. Chairman, that I am for giving a separate and independent consideration to separate and independent measures. I am for dealing with present and pressing difficulties by themselves, and for acting upon others afterwards as they arise.

The great questions, which demand our consideration at this moment, are those which relate to our new territorial acquisitions; and to them, and them alone, I am now for devoting myself. And the first of these questions is that which relates to California.

What is California? But yesterday, Sir, it was a colony in embryo. But yesterday—to use the language which Mr. Burke once applied to America—it was “a little speck, scarce visible in the mass of national interest; a small seminal principle, rather than a formed body.” To-day, it presents itself to us as an established Commonwealth, and is knocking at our doors for admittance to the Union as a free and independent State. Shall it be turned away? Shall it be remanded to its colonial condition? Shall we attempt to crowd back this full grown man into the cradle of infancy? And that, too, in spite of the express provisions of the treaty by which it was acquired, “that, at the proper time, it shall be incorporated into the Union?”

Upon what pretence shall such a step be taken? Why is not this the proper time? Is it said that there has been some violation of precedents in her preparatory proceedings? Where will you find a precedent in any degree applicable to her condition? When has such a case been presented in our past history? When may we look for another such in our future progress? “Who hath heard such a thing? Who hath seen such things? Shall the earth be made to bring forth in one day? Or shall a nation be born at once?”

Is it said that she has not population enough? The best accounts which we can obtain estimate her population at more than a hundred thousand souls; and these, be it remembered, are nearly all full grown persons, and a vast majority of them men and voters. And what, after all, are any estimates of population worth, in such a case? As the same great British orator, whom I have just quoted, said of the American colonies in 1775: “Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it.”

Is it said that her boundaries are too extensive? You did

not find this fault with Texas. Texas, with the boundaries which are claimed by her, has three hundred and twenty-five thousand five hundred and twenty square miles; and, with any boundaries which are likely to be assigned to her, she will have more than two hundred thousand square miles. California, under her own Constitution, has but one hundred and fifty-five thousand five hundred and fifty square miles of territory, of which one half are mere mountains of rock and ice, and another quarter a desert waste!

Do you complain of the length of her sea-coast? You did not find this fault with Florida, whose sea-coast and gulf-coast together, (if I am not greatly mistaken,) are more than one third longer than that of California. And where will you divide the great valley of the Sacramento and San Joaquin, without the greatest injury and injustice to those who dwell in it? And for what will you divide it, except to make two free States, where only one is now proposed, and thus to double the cause of Southern jealousy and sectional opposition?

I declare to you, Sir, that, in my judgment, if any fault is to be found with the dimensions of California, it is to be found by the free States, who might reasonably look to have two States, instead of one, added to their number, from so vast a territory.

Is it said that her Constitution has been *cooked*? Who cooked it? That her people have been tampered with? Who tampered with them? As has been truly said, we have a Southern President and a majority of Southern men in the Cabinet; and they sent a Southern agent—a Georgia member of Congress\*—a gentleman, let me say, for whose character and conduct I have the highest respect—to bear their despatches and communicate their views to the California settlers.

Is it said that these settlers are a wild, reckless, floating population, bent only upon digging gold, and unworthy to be trusted in establishing a government? Sir, I do not believe a better class of emigrants was ever found flocking in such numbers to any new settlement on the face of the earth. The immense distance, the formidable difficulties, and the onerous expense of the pilgrimage to California, necessarily confined the emigration

\* Hon. T. Butler King.



to men of some pecuniary substance, as well as to men of more than ordinary physical endurance. We have all seen going out from our own respective neighborhoods, not a few hardy, honest, industrious, patriotic young men,

"Bearing their birthrights proudly on their backs,  
To make a hazard of new fortunes there;"

and, in their name, Sir, I protest against the Constitution which they have adopted being condemned on any score of its paternity.

Is it said, finally, Mr. Chairman, as a ground for rejecting California, that she has prohibited slavery in her Constitution? No, no, Sir; nobody will venture to urge that as an objection to her admission into the American Union. Even those who would willingly have had it otherwise, must be glad in their own hearts, whether they confess it or not, that she has settled that question for herself; that she has saved us from the difficulties and dangers which would have attended an attempt to settle it for her here. While some of us will go still further, and, without intending any offence to others, will thank God openly, that this infant Hercules of the West has strangled the serpents in the cradle; that this youthful giant of the Pacific presents himself to us self-dedicated to freedom; and stands a self-pledged and self-posted sentinel — side by side with Oregon — against the introduction of slavery, by sea or by land, into any part of that trans-Alpine territory! Had it been otherwise, Sir, and had the soil and climate proved in any degree favorable, who can tell what renewal of the horrors of the middle passage might have been witnessed, in transporting slaves under the American flag into regions so remote and difficult of access!

"But what is to become of our equilibrium?" says an honorable friend from South Carolina or Alabama. "What security are the Southern States to have against the growing preponderance of Northern power."

Mr. Chairman, half the troubles which have convulsed the old world for two centuries past, have grown out of an imagined necessity of preserving the balance of power, or maintaining what is now denominated a sectional equilibrium. And so it will be here. The very idea of this equilibrium is founded on

views of sectional jealousy, sectional fear, sectional hostility and hate. It presupposes an encroaching and oppressive spirit on one side or the other, which waits only for the power and the opportunity to make itself felt; and, depend upon it, Sir, it will produce the very state of things which it supposes. But no such state of things exists now.

Nothing, certainly, can be more unfounded than the idea, that the North has any hostility to the South; or that Northern men, as a class, are desirous of injuring, or even of irritating, their Southern brethren. They know that the interests of all parts of the country are bound up together in the same bundle of life or death, for the same good or evil destiny, and that no one member of the Confederacy can suffer without the whole body suffering with it. "*Unum et commune periculum; una salus.*" They desire — from a mere selfish interest of their own, if you will have it so — the prosperity and welfare of the Southern States, and rejoice at every indication of their increasing wealth and power. They believe, indeed, that the worst enemy of these States, is that which they cherish so jealously and so passionately within their own bosom. They believe slavery to have originated in a monstrous wrong. They believe its continuance to be a great evil. They are, undoubtedly, of opinion, that in this day of civilization and Christianity, it would well become those who are responsible for its continuance, to be looking about at least for some prospective and gradual system, by which at some far distant, if not at some earlier day, it may be brought to an end. They are ready, as I believe, to bear their share of the cost and sacrifice of any such system. But they know that they themselves have no power over the subject. They acknowledge, that so far as slavery in the States is concerned, they possess no constitutional right to interfere with it in any way whatever. If there be any thing upon which the whole North is united, and in which men of all parties, of all professions, of all conditions, agree, it is in recognizing, in clear and unmistakable characters, as to slavery within the States, a constitutional prohibition of interference.

But, Mr. Chairman, this idea that a free State is never to be admitted to the Union without a slave State to match it, is, in

my judgment, as impracticable as it is unjustifiable. We shall have to enter upon a fresh career of annexation and conquest to carry it out,—if it is to be carried out at all. When Texas shall have been exhausted by the admission of the two or three more slave States, which it has been so strongly contended that we have already stipulated to admit, you will have to go farther and farther South to find fresh material to manufacture slave States out of, for the sake of equilibrium.

Walter Scott, in one of his inimitable essays, under the *sobriquet* of Malachi Malagrowther, tells us of a castle of the olden time, the steward of which had such a passion for regularity, that when a poacher, or a rogue of any sort, was caught and put in the pillory on one side of the gate, he gave half a crown to an honest laborer to stand in the other pillory opposite to him! This, Sir, was all for uniformity's sake, and to preserve the equilibrium. And we shall have to adopt a similar course, if this idea of equilibrium is to be adopted; we shall be called on systematically to plant slavery upon free soil, if not to put manacles upon free men, for uniformity's sake.

Sir, you did not wait for a free State to come in hand-in-hand with Texas. You regarded no principles of equilibrium or uniformity on that occasion. You brought her in to disturb the equilibrium then existing, and to secure for the South a preponderance in at least one branch of the Government. And with this example in our immediate view, the North, the free States, cannot but feel aggrieved, if the admission of California is to be made in any degree dependent upon considerations of this sort. We do not say that she has an absolute right to be admitted to-day or to-morrow. But we do say, that a rejection or a postponement of her admission, on mere grounds of sectional equilibrium, would be an offence without either provocation or justification.

And now, Sir, entertaining such views, I need hardly add that, in my judgment, California ought to be admitted to the Union without more delay, as a separate, independent measure. I am opposed to any scheme for qualifying or coupling it with other arrangements. I am opposed to all omnibus bills, and all amalgamation projects. It is unjust to California to embarrass, and

perhaps peril, her admission, by mixing her up with matters of a controverted character. It is still more unjust to a large majority of this House, who desire to record their names distinctly for her admission as a State, to deny them the proper, legitimate, parliamentary mode of doing so, by annexing to the same bill provisions against which not a few of them are solemnly pledged. What would Southern gentlemen say, if we were wantonly to insist on inserting a Wilmot proviso in the California bill? Let them forbear to teach us bloody instructions, which may return to plague the inventor. The ingredients of the poisoned chalice may yet be commended to their own lips. Let them remember, that there may be a point of honor at the North as well as at the South. Let them remember, that the same voice of patriotism which cries to the North "give up," says to the South also "keep not back." Let them reflect, how far it is generous towards those Northern members who have consented thus far to waive any struggle for the proviso, to drive them to the odious alternative of rejecting what they desire to adopt, or of adopting what they may feel constrained to reject.

And now, Sir, turning from California, what remains? New Mexico and Utah. And what are we to do with them? Nothing, nothing, I reply, which shall endanger the harmony and domestic peace of these United States.

Undoubtedly, Mr. Chairman, my own honest impulse and earnest disposition would be to organize territorial governments over both of them, and to ingraft upon those governments the principles of the ordinance of 1787. If I were consulting only my own feelings, or what I believe to be the wishes and views of the people of New England, this would be my unhesitating course. Though believing, as I do, that the laws of Mexico, abolishing slavery, are still in force there, I would yet make assurance doubly sure, and take a bond of fate, against the introduction of slavery into any territory where it does not already exist.

But, Sir, I am not for overturning the government of my country, or for running any risk of so disastrous a result, in order to accomplish this object in the precise mode which would be most satisfactory to myself. No, Sir; nor would I press

such a course pertinaciously upon Congress, even although the consequences should be nothing more serious than to plant a sting in the bosoms of the people of the South, or to leave an impression in their minds that they had been wronged and humiliated by the government of their own country.

I hold to the entire equality of all the citizens of this Republic, and of all the States of this Union. And while I wholly deny that the course which I have suggested would in any degree infringe upon this equality, while I can by no means admit that a prohibition of slavery in the territories would encroach a hair's breadth upon the just rights of the Southern States or the Southern people, I would yet willingly and gladly forbear from any unnecessary act, which could even give color to such an idea. So far as my own sense of duty will allow me to go, or to forbear from going, it shall never be my fault, if any human being in this wide-spread Republic shall even imagine that he has been injured or assailed either in his person, his property, or his feelings.

What, then, am I ready to do? Sir, I have already expressed my intention to stand by the President's plan on this subject; and nothing has since occurred to change that intention. I have heard this plan stigmatized as a weak and contemptible plan; but I believe it to be a wise and patriotic plan, and one which, whether it succeeds or fails, will have entitled the President to the unmingled respect and gratitude of the American people.

My honorable friend from New York (Mr. Duer) has anticipated me in most of the views which I had intended to take of this plan, and I should only weaken their impression by presenting them over again. But I cannot forbear dwelling for a moment upon a single consideration connected with it.

The President, in his annual message, after stating his belief that "the people of New Mexico would, at no very distant day, present themselves for admission into the Union," says as follows:

"By awaiting their action, all causes of uneasiness may be avoided, and confidence and kind feeling preserved. With a view of maintaining the harmony and tranquillity so dear to all, we should abstain from the introduction of those exciting topics of a

sectional character which have hitherto produced painful apprehensions in the public mind; and I repeat the solemn warning of the first and most illustrious of my predecessors against furnishing 'any ground for characterizing parties by geographical discriminations.' "

Again, in his message of January 21, communicating his views in more detail upon the subject before us, he says:

"No material inconvenience will result from the want, for a short period, of a government established by Congress over that part of the territory which lies eastward of the new State of California; and the reasons for my opinion, that New Mexico will at no very distant period ask for admission into the Union, are founded on unofficial information, which I suppose is common to all who have cared to make inquiries on that subject.

"Seeing, then, that the question which now excites such painful sensations in the country, will in the end certainly be settled by the silent effect of causes independent of the action of Congress, I again submit to your wisdom the policy recommended in my annual message, of awaiting the salutary operation of those causes, believing that we shall thus avoid the creation of geographical parties, and secure the harmony of feeling so necessary to the beneficial action of our political system."

This, Sir, is the great beauty, the crowning grace of the President's proposition. His is, in my judgment, the only plan which gives a triumph to neither side of this controversy, and to neither section of the Union, and which, thus, leaves no just pretence for the formation of geographical parties.

The passage of what has been called the Wilmot proviso would, we all understand, under present circumstances, unite the South as one man, and if it did not actually rend the Union asunder, would create an alienation and aversion in that quarter of the country, which would render the Union hardly worth preserving.

On the other hand, Sir, I cannot suppress my apprehensions, that the organization of territorial governments by Congress without any anti-slavery clause, would only transfer the agitation and indignation to the other end of the Republic, and would tend freshly to inflame a spirit which we all desire, and which Southern men, especially, cannot fail to desire, to see forever extinguished.

Mr. Chairman, there must be something of reciprocity in any arrangement by which this question is to be settled. But I can see none, none whatever, in the plan of admitting California, organizing the two territories without condition, and settling the

boundaries of Texas, as proposed in the same bill. What concession does the South make in such an arrangement? The admission of California? I cannot admit that there is any concession in that. If there be any objections to the admission of California, they are national and not sectional in their character, arising out of irregularities in her preparatory proceedings, and not out of the substantial provisions of her Constitution. And yet, in consideration of this admission, the North is called on not merely to waive any anti-slavery action in regard to two territories, but to sanction, as I understand it, the positive introduction of slavery where the South itself has already prohibited it. By the resolutions of annexation, all of Texas above 36° 30' is to be free soil; but, by this plan, we are to purchase all this, and unite it to New Mexico, and then abrogate the prohibition!

Sir, the true ground for conciliation is the middle ground, on which both sides can meet without the abandonment of any principle, or the sacrifice of any point of honor. Such, in my judgment, is the ground upon which the President has planted himself; and I cannot hesitate to express my belief, that if party feelings had never entered into this question; if these pernicious and poisonous elements could have been eliminated from the controversy in which we are engaged, the great mass of the American people, from the South and from the North, from the West and from the East, would have been found rallying round the Executive upon this precise ground, and settling all their differences in harmony and concord.

Tell me not that New Mexico and Utah may be left a little while longer without a government by such a course. Better that they should go without a government forever, than that our own Government should be broken up! Better that they should be sundered from us eternally, than that they should be instrumental in sundering us from each other! But no such alternative is involved in this policy. The people who occupy those territories are capable of self-government, and no sooner shall we have finally announced to them this policy, than they will follow the example of California, and relieve us of all further responsibility.

It has been suggested in some quarters that the President has changed his position, and deserted his original platform. This is not the first time, Sir, that such a charge has been brought against General Taylor. The Mexicans proclaimed that he had changed his plan, and deserted his post, and fled from the defence of his friends, when he made that masterly and matchless movement from Fort Brown to Point Isabel. But they discovered their error before many days were over, and found, to their cost, that they had mistaken their man. I have not the slightest authority to speak for the President, nor would it be parliamentary for me to do so, if I had; but I am strongly inclined to the belief, that those who imagine that he either has changed, or means to change, his views on this subject, will be equally disappointed.

For myself, Sir, I can truly say that I adopt this plan in a spirit of conciliation and concession, regarding it as a compromise worthy of a Southern President to offer, and worthy of both the Southern and the Northern people to accept.

I know that there have been many reproaches and criminations dealt out against some of us by the ultraists of the free States, for being willing to make even this compromise. Because we are not quite so clamorous and rampant in regard to the anti-slavery proviso as some of its peculiar friends, we are charged with inconsistency, desertion, and treachery. Now, Sir, I am one of those who think that Northern men can afford to be a little forbearing upon this subject, without incurring any just liability to such imputations. I am of opinion that there is ample reason to be found in the changed condition of public affairs, in the altered circumstances of the case, for the evident relaxation of the Northern sentiment on the subject of this proviso, and for the manifest willingness of the Northern mind to acquiesce in what has been called the non-action policy of the President.

Why, Sir, at the time that proviso was originally proposed, at the time it was made the subject of such ardent protestations of uncompromising devotion, what was the state of the country and of the question? We were then at war with Mexico, and with the strongest reason to apprehend that this war was to be pressed even to the extinction and absorption of the whole



Mexican Republic. A vast, undefined extension of territory was thus in prospect, upon which slavery was, or was not, to be planted and established. That war, thank Heaven, has been brought to a close. We are now at peace; and what is more, the treaty of peace has been so arranged, and the boundary line so run, that though we may hesitate to admit that Nature has everywhere settled the question against slavery, we must, yet, all perceive and acknowledge that the territory which has been acquired holds out but little comparative temptation or inducement to its introduction.

What else has occurred? Why, Sir, at the time we all committed ourselves so hotly to the support of the proviso, no government had yet been established in Oregon, and a purpose had been exhibited to insist upon the right of slavery to go there. Since then, the principles of the ordinance of 1787 have been extended, by solemn enactment, over that whole territory.

What further have we witnessed? Why, Sir, California, California, a thousand-fold the most important and valuable part of the territories acquired from Mexico, has settled the question for herself, and spontaneously dedicated the treasures of her virgin soil, and the riches of her magnificent mines, to the labor of freemen forever!

Now, I do not say that there is to be found in all this the slightest justification for an abandonment of Northern principle. But is there not, is there not, ample reason for an abatement of the Northern tone, for a forbearance of Northern urgency, upon this subject, without the imputation of tergiversation and treachery?

I think that I do not undervalue the importance of the great principles of the ordinance of 1787, and of that proviso which I prefer henceforth to associate with the great names of Thomas Jefferson, and Nathan Dane, and Rufus King, rather than with that of any public man of the present day, however distinguished or notorious he may have become. But I can never put the question of extending slave soil on the same footing with one of directly increasing slavery and multiplying slaves. If a positive issue could ever again be made up for our decision, whether human beings, few or many, of whatever race, complexion, or condition, should be freshly subjected to a system of here-

ditary bondage, and be changed from freemen into slaves, I can conceive that no bonds of union, no ties of interest, no chords of sympathy, no considerations of past glory, present welfare, or future grandeur, would be suffered to interfere for an instant with our resolute and unceasing resistance to a measure so iniquitous and abominable. There would be a clear, unquestionable, moral element in such an issue, which would admit of no compromise, no concession, no forbearance whatever. We could never sanction such a policy; we could never submit to it. A million of swords would leap from their scabbards to arrest it, and the Union itself would be shivered like a Prince Rupert's drop in the shock.

But the question whether the institution of slavery, as it already exists, shall be permitted to extend itself over a hundred, or a hundred thousand, more square miles than it now occupies, is a very different question. The influences of such a policy upon the ultimate extinction of slavery, and upon the condition of its unfortunate victims as long as it lasts, may well be a subject for careful consideration. There may be two sides even to some of the moral aspects of the question. At any rate, Sir, it is not, in my judgment, such an issue, that conscientious and religious men may not be free to acquiesce in whatever decision may be arrived at by the constituted authorities of the country.

For myself, Mr. Chairman, I can truly say, that it is not with a view of cooping up slavery, as it has been termed, within limits too narrow for its natural growth; that it is not for the purpose of girding it round with lines of fire till its sting, like that of the scorpion, shall be turned upon itself; that it is not for the sake of subjecting it to a sort of *experimentum crucis*; that I, for one, have ever advocated the principles of the ordinance of 1787. Nor have I the slightest imagination that such would be the result of enforcing those principles, within any estimable period of time.

Why, are you aware, Sir, do Southern gentlemen remember, that what are called the slave States of this Union, Texas to the Rio Grande being included, contain about nine hundred and forty thousand square miles of territory, with a white population, by the census of 1840, of considerably less than five millions of

people? Allow, if you please, that this population has increased, during the last ten years, sufficiently to bring up the whole existing population, slaves included, to nine millions of people. You have then less than ten persons, black and white, bond and free, to a square mile of territory! Is there not room enough here for every degree of expansion which can be predicted, upon the largest calculation, for a century to come?

Meantime, Sir, do not forget, that the free States, with a population, by the census of 1840, of more than nine millions and a half, and which must now have run up to not less than thirteen or fourteen millions, have only about four hundred and fifty thousand square miles. In other words, the free States, at this moment, have thirty persons to a square mile, while the slave States have only ten!

I exclude all the territories in this calculation. But it is a striking fact, that if all the territories, without exception, not included within the limits of any State, were added to the free States, and a proportion were then instituted between the number of square miles occupied by the free white population of the two classes of States, it would be found that the slave States would fall but little short of their full share. And this, Sir, without making any allowance for the uninhabitable deserts and frozen wastes and mountains of rock and ice, by which these territories are so greatly curtailed in their dimensions, so far as any practical purposes of occupation or enjoyment are concerned.

I repeat, then, Mr. Chairman, it is not with the vain idea of crowding slavery out of existence, that I adhere to the principles of the ordinance of 1787.

Nor is it, Sir, upon any consideration of local power, or with any view of securing a sectional preponderance. For one, I see in the Constitution of the United States an ample security against any real aggression which either section of the Union could be tempted to commit against the other. And even if it were not so, there is a peculiar tie of common interest among the slave States, growing out of this very institution of slavery, which always has made them, and always will make them, a full match for any number of free States which may be included

within the limits of this Union. In our local competitions and party differences, they will find ample room for the exercise of a controlling influence. I am not sure that it is not their destiny always to hold the balance of power among States and between parties, and thus to be able to adopt the proud motto, — *præst cui adhæreo*, — which may be liberally interpreted “he shall be President, to whom I adhere!”

Sir, the territories which have come under our guardianship are, in my judgment, of more worth than to be made the mere make-weights in the scales of sectional equality. They are entitled to another sort of consideration, than to be cut up and partitioned off, like down-trodden Poland, in order to satisfy the longings, and appease the jealousies, of surrounding States. They are — they ought certainly — to be disposed of and regulated by us, with a primary regard to the prosperity and welfare of those who occupy them now, and of those who are destined to occupy them hereafter, and not with the selfish view of augmenting the mere local power or pride of any of us.

Mr. Chairman, I see in the territorial possessions of this Union, the seats of new States, the cradles of new Commonwealths, the nurseries, it may be, of new Republican empires. I see, in them, the future abodes of our brethren, our children, and our children’s children, for a thousand generations. I see, growing up within their borders, institutions upon which the character and condition of a vast multitude of the American family, and of the human race, in all time to come, are to depend. I feel, that for the original shaping and moulding of these institutions, you and I, and each one of us who occupy these seats, are in part responsible. And I cannot omit to ask myself, what shall I do, that I may deserve the gratitude and the blessing, and not the condemnation and the curse, of that posterity, whose welfare is thus in some degree committed to my care?

As I pursue this inquiry, Sir, I look back instinctively to the day, now more than two hundred years ago, when the Atlantic coast was the scene of events like those now in progress upon the Pacific; when incited, not, indeed, by a love of gold, but by a devotion to that which is better than gold, and whose price is above rubies, the forefathers of New England were planting

their little colony upon that rock-bound shore. I look back to the day when slavery existed nowhere upon the American continent, and before that first Dutch ship, "built in the eclipse, and rigged with curses dark," had made its way to Jamestown, with a cargo of human beings in bondage. I reflect how much our fathers would have exulted, could they have arrested the progress of that ill-starred vessel, and of all others of kindred employment. I remember how earnestly the patriots of Virginia and South Carolina again and again pleaded and protested against the policy of Great Britain in forcing slaves upon them against their will. I recall the original language of the Declaration of Independence itself, as first drafted by Thomas Jefferson, assigning it as one of the moving causes for throwing off our allegiance to the British monarch, that "he had waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither;" and that, "determined to keep open a market where men should be bought and sold, he had prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce."

I remember, too, that whatever material advantages may have since been derived from slave labor, in the cultivation of a crop which was then unknown to our country, the moral character and social influences of the institution are still precisely what they were described to be, by those who understood them best, in the earlier days of the Republic. And I see, too, as no man can help seeing, that almost all the internal dangers and domestic dissensions which cast a doubt, or a shadow of doubt, upon the perpetuity of our glorious Union, have been, and still are, the direct or indirect consequences of the existence of this institution. And thus seeing, thus remembering, thus reflecting, how can I do otherwise than resolve, that it shall be by no vote of mine, that slavery shall be established in any territory where it does not already exist?

These, Mr. Chairman, are the considerations which influence and control my action on the questions before us. I do not ask,

what the Northern States, or what the Southern States, might find most agreeable to their feelings, or most advantageous to their interests. I ask only, — what is right, what is just, what is best, for the permanent welfare of the people of those future commonwealths, whose foundations are now about to be laid, and whose destinies are now about to be determined? And all my observation, all my experience, all the convictions of my mind and of my heart, unite in replying to this question, that slavery is not only an injustice and a wrong to those who are under its immediate yoke, but that it is an evil and an injury to the highest social, moral, and political interests of any State in which it exists.

Here, then, Sir, I bring these remarks to a close. I have explained, to the best of my ability, the views which I entertain of the great questions of the day. Those views may be misrepresented hereafter, as they have been heretofore; but they cannot be misunderstood by any one who desires, or who is even willing, to understand them. Most gladly would I have found myself agreeing more entirely with some of the friends whom I see around me, and with more than one of those elsewhere, with whom I have always been proud to be associated, and whose lead, on almost all occasions, I have rejoiced to follow.

One tie, however, I am persuaded, still remains to us all — a common devotion to the Union of these States, and a common determination to sacrifice every thing but principle to its preservation. Our responsibilities are indeed great. This vast Republic, stretching from sea to sea, and rapidly outgrowing every thing but our affections, looks anxiously to us, this day, to take care that it receives no detriment. Nor is it too much to say, that the eyes and the hearts of the friends of constitutional freedom throughout the world, are at this moment turned eagerly here — more eagerly than ever before — to behold an example of successful republican institutions, and to see them come out safely and triumphantly from the fiery trial to which they are now subjected!

I have the firmest faith that these eyes and these hearts will not be disappointed. I have the strongest belief that the visions and phantoms of disunion which now appall us, will soon be

remembered only like the clouds of some April morning, or "the dissolving views" of some evening spectacle. I have the fullest conviction that this glorious Republic is destined to outlast all, all, at either end of the Union, who may be plotting against its peace, or predicting its downfall.

"Fond, impious man! think'st thou, yon sanguine cloud,  
Rais'd by thy breath, has quench'd the orb of day?  
To-morrow, he repairs the golden flood,  
And warms the nations with redoubled ray!"

Let us proceed in the settlement of the unfortunate controversies in which we find ourselves involved in a spirit of mutual conciliation and concession. Let us invoke fervently upon our efforts the blessing of that Almighty Being who is "the author of peace and the lover of concord." And we shall still find order springing out of confusion, harmony evoked from discord, and Peace, Union, and Liberty, once more reassured to our land!

*I am whole of this  
for Tuesday.*

## THE DEATH OF PRESIDENT TAYLOR.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, ON THE ANNOUNCEMENT OF THE DEATH OF GENERAL TAYLOR, JULY 10, 1850.

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It would not be easily excused, Mr. Speaker, by those whom I represent in this Hall, if there were no Massachusetts voice to respond to the eulogy which has been pronounced by Louisiana upon her illustrious and lamented son. Indeed, neither my personal feelings nor my political relations, either to the living or to the dead, would permit me to remain altogether silent on this occasion. And yet, Sir, I confess, I know not how to say any thing satisfactory to myself, or suitable to the circumstances of the hour.

The event which has just been officially announced, has come upon us so suddenly — has so overwhelmed us with mingled emotions of surprise and sadness — that all ordinary forms of expression seem to lose their significance, and one would fain bow his head to the blow in silence, until its first shock has in some degree passed away.

Certainly, Sir, no one can fail to realize that a most momentous and mysterious Providence has been manifested in our midst. At a moment when, more than almost ever before in our history, the destinies of our country seemed, to all human sight, to be inseparably associated with the character and conduct of its Chief Executive Magistrate, that Magistrate has been summoned from his post, by the only messenger whose mandates he might not have defied, and has been withdrawn forever from the sphere of human existence!



There are those of us, I need not say, Sir, who had looked to him with affection and reverence as our chosen leader and guide in the difficulties and perplexities by which we are surrounded. There are those of us, who had relied confidently on him, as upon no other man, to uphold the Constitution and maintain the Union of the country in that future, upon which "shadows, clouds and darkness" may well be said to rest. And, as we now behold him, borne away by the hand of God from our sight, in the very hour of peril, we can hardly repress the exclamation, which was applied to the departing prophet of old: "My father, my father! the chariot of Israel and the horsemen thereof."

Let me not even seem to imply, however, that the death of General Taylor is any thing less than a national loss. There may be, and we know there is, in this event, a privileged and preëminent grief for his immediate family and relatives, to which we can only offer the assurance of our heartfelt sympathy. There is, too, a peculiar sorrow for his political friends and supporters, which we would not affect to conceal. But the whole people of the United States will feel, and will bear witness, when they receive these melancholy tidings, that they have all been called to sustain a most afflicting national bereavement.

I hazard nothing, Sir, in saying, that the roll of our Chief Magistrates, since 1789, illustrious as it is, presents the name of no man who has enjoyed a higher reputation with his contemporaries, or who will enjoy a higher reputation with posterity, than Zachary Taylor, for some of the best and noblest qualities which adorn our nature.

His indomitable courage, his unimpeachable honesty, his Spartan simplicity and sagacity, his frankness, kindness, moderation, and magnanimity, his fidelity to his friends, his generosity and humanity to his enemies, the purity of his private life, the patriotism of his public principles, will never cease to be cherished in the grateful remembrance of all just men and all true-hearted Americans.

As a Soldier and a General, his fame is associated with some of the proudest and most thrilling scenes of our military history. He may be literally said to have conquered every enemy he has met, save only that *last enemy*, to which we must all, in turn, surrender.

As a Civilian and Statesman, during the brief period in which he has been permitted to enjoy the transcendent honors which a grateful country had awarded him, he has given proof of a devotion to duty, of an attachment to the Constitution and the Union, of a patriotic determination to maintain the peace of our country, which no trials or temptations could shake. He has borne his faculties meekly, but firmly. He has been "clear in his great office." He has known no local partialities or prejudices, but has proved himself capable of embracing his whole country, in the comprehensive affections and regards of a large and generous heart.

But he has fallen almost at the threshold of his civil career, and at a moment when some of us were looking to him to render services to the country, which we had thought no other man could perform. Certainly, Sir, he has died too soon for every body but himself. We can hardly find it in our hearts to repine that the good old man has gone to his rest. We would not disturb the repose in which the brave old soldier sleeps. His part in life had been long and faithfully performed. In his own last words, "he had always done his duty, and he was not afraid to die." But our regrets for ourselves and for our country are deep, strong, and unfeigned. "He should have died hereafter."

Sir, it was a fit and beautiful circumstance in the close of such a career, that his last official appearance was at the celebration of the birthday of our National Independence, and more especially, that his last public act was an act of homage to the memory of *him*, whose example he had ever revered and followed, and who, as he himself so well said, "was, by so many titles, the Father of his Country."

And now, Mr. Speaker, let us hope that this event may teach us all how vain is our reliance upon any arm of flesh. Let us hope that it may impress us with a solemn sense of our national as well as individual dependence on a higher than human Power. Let us remember that "the Lord is king, be the people never so impatient; that He sitteth between the cherubim, be the earth never so unquiet." Let us, in language which is now hallowed to us all, as having been the closing and crowning sentiment of the brief but admirable Inaugural Address with which this illus-

trious Patriot opened his Presidential term, and which it is my privilege to read at this moment from the very copy from which it was originally read by himself to the American people, on the 4th day of March, 1849, — “Let us,” in language in which “he, being dead, yet speaketh” — “let us invoke a continuance of the same Protecting Care which has led us from small beginnings to the eminence we this day occupy ; and let us seek to deserve that continuance by prudence and moderation in our councils ; by well-directed attempts to assuage the bitterness which too often marks unavoidable differences of opinion ; by the promulgation and practice of just and liberal principles ; and by an enlarged patriotism, which shall acknowledge no limits but those of our own wide-spread Republic.”

## THE DEATH OF DANIEL P. KING.

REMARKS MADE IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, ON THE ANNOUNCEMENT OF THE DEATH OF MR. KING, A REPRESENTATIVE FROM MASSACHUSETTS, JULY 27, 1850.

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IF mere custom had prevailed on this occasion, Mr. Speaker, it would have fallen to me, as the senior member of the Massachusetts Delegation in this Hall, to perform the sad duty, which has been so faithfully and feelingly discharged by my friend and colleague, (Hon. Julius Rockwell,) who has just taken his seat. I trust, therefore, that I may be allowed to say, that, in yielding, as I readily have done, to the claims of a more intimate association and immediate companionship with the excellent person whose death has been announced to us, I have not been wanting in the deepest regret for his loss, or in the most sincere respect for his memory.

It has been my good fortune to be connected with Mr. King for many years in the Legislature of our own Commonwealth, as well as to be with him here, during the whole period of his seven years' service as a member of this House; and I can truly say, that I have seldom met with a more just and worthy man, or with one more scrupulously faithful to every obligation to his neighbor, his country, and his God.

His devotion as a public servant, his integrity as a private citizen, and the high moral and religious character which he sustained in all the relations of life, had endeared him not merely to his immediate constituents, but to the whole people of Massachusetts; and there is no one who was more likely to have received at their hands, at no distant day, the reward of an honorable ambition, in the highest honors of his native State.

Though he had enjoyed the advantage of an education, which would have fitted him for entering upon either of what are commonly called the learned professions, his tastes had led him to agricultural pursuits. He prided himself, as any one may well pride himself, on being a good farmer ; and the farmers of his neighborhood were justly proud of him, as one of the most intelligent, observing, and scientific of their number.

We may well count it, Sir, among the consolations of this hour, that he was permitted by a kind Providence, after so long a detention amid these scenes of strife, to revisit his native fields, to die under his own roof, surrounded by his family and friends, and to lie down at last beneath the soil which he had adorned with his hand, and which was so dear to his heart.

In the beautiful village in which he lived, and which is now the scene of so much unaffected sorrow for his loss, I venture to say that no sod will be kept greener than that which covers his ashes, and that his name will long be sadly but fondly associated with the " Flower of Essex."

## TO THE PEOPLE OF BOSTON.

LETTER OF ACKNOWLEDGMENT TO THE PEOPLE OF BOSTON ON RETIRING  
FROM THEIR SERVICE, JULY 30, 1850.

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FELLOW-CITIZENS, —

Having this day accepted the commission, with which I have been honored by the Executive of the Commonwealth, to supply the vacancy in the Senate of the United States, created by the appointment of the Honorable Daniel Webster to the office of Secretary of State, my relations to you, as your immediate Representative in Congress, are dissolved.

I cannot allow the occasion to pass, without expressing to you all, the deep sense which I entertain of the kindness and confidence which you have manifested towards me, during the whole period of my public career.

It is nearly sixteen years since I entered your service as one of your representatives in the State Legislature, and nearly ten years have now elapsed, since I was transferred as your sole representative to the National Councils.

I should be ungrateful indeed, were I to return no word of acknowledgment for the generous continuance of your favor and regard, which I have experienced during so long a service.

The appointment with which the Governor and Council of Massachusetts have now honored me above my deserts, has only anticipated by a few months the time when our relations were to end, — as my intention to retire from the House of Representatives had been openly declared, and was unalterably fixed.

Indeed, it was my earnest wish, as many of you are aware, to withdraw my name from the candidacy, at the close of the last Congressional term. Having then already represented the Bos-

ton District longer than any one of my predecessors since the organization of the Federal Government, and having enjoyed the highest honors, and, I may add, the heaviest labors of the House of which I was a member, it was my sincere desire and purpose to decline another election. But my design was overruled, for reasons of which I did not feel at liberty to deny the force, and by those to whose judgment and authority I was bound to defer.

In retiring now, fellow-citizens, from your immediate service, I will enter into no formal account of my stewardship, nor detain you with any discussion of the existing state of public affairs. Other opportunities for such topics may occur hereafter.

I desire only to assure you, that I shall bear with me to other scenes of duty, the proudest and most grateful recollection of the constant indulgence and support which I have received at your hands; and that I shall never cease to cherish, whether in public or private life, the most cordial wishes for the prosperity and welfare of my native city, and for the health and happiness of all its inhabitants.

ROBERT C. WINTHROP.

WASHINGTON, 30th July, 1850.

# THE

## BOUNDARY OF NEW MEXICO AND TEXAS.

REMARKS IN THE SENATE OF THE UNITED STATES, ON THE BILL FOR  
ORGANIZING A TERRITORIAL GOVERNMENT IN NEW MEXICO, AUGUST,  
14, 1850.

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MR. PRESIDENT, —

The Senator from Ohio, (Mr. Chase,) has now for the second time indulged in a course of remark on this subject, which, reluctant as I am to trouble the Senate, I cannot allow to pass without some notice. I understood him to say at the outset, and to repeat at the close of his remarks, that the main objection to the late compromise bill was the boundary line which it proposed to run between New Mexico and Texas, and the ten millions of dollars which it proposed to pay to the State of Texas for agreeing to that boundary line.

MR. CHASE. The statement which I made was that the main objection to the series of measures proposed by the compromise bill was, as I understood it, the great concession made to Texas of territory believed to belong to the United States; or, to speak more accurately, it was the bargain proposed to be made between the United States and Texas in reference to their reciprocal cession of territory by which the United States were to pay ten millions. I did not say there were not other serious objections to that series of measures. There were other objections. But this was most urged; it was most dwelt upon; it was most considered. The other principal objection to the bill was that it was a bill of incongruous elements.

MR. WINTHROP. Mr. President, I understood the Senator from Ohio pretty distinctly to imply, not merely that members of the Senate who had opposed the compromise bill mainly upon this ground, had now yielded to terms which were much less advantageous to the United States; but that there was something in the fact of a recent change of Administration to which this con-



cession was to be attributed. The Senator even now has hardly modified the idea which he then suggested. He certainly stated that one of the main objections to the compromise bill was the running of this boundary line and the appropriation of these ten millions of dollars. He also intimated, that owing to the influence of some change of administration, gentlemen had been willing to assent to measures which they had previously opposed.

Now, Sir, I had really imagined that the honorable Senator from Ohio would be one of the last Senators on this floor to assert, or even to intimate, that one of the main objections to the compromise bill was this adjustment of boundary between Texas and New Mexico. Certainly, I can conceive that Senators should have objected to that boundary line, and to the consideration which it was proposed to pay for it, as an element in a bill of that mixed and composite character ;—a bill made up, as I think, of many incongruous ingredients, and into which this particular ingredient was liable to the suspicion, to say the least, of having been inserted, for the purpose of carrying through Congress measures which could not have been carried without it. So far, many of us may have objected to that element of the bill.

But, Sir, the honorable Senator knows well, that on the part of his own State of Ohio, and on the part of the State which I have the honor to represent, the main objection to that bill, above all other considerations, and in comparison with which any mere matter of boundary or of *bonus*, of acres or of dollars, was but as the light dust of the balance, was found in the fact, that it undertook to establish governments for vast territorial possessions which had been acquired to the United States as free soil, without any restriction as to the admission of slavery. The honorable Senator knows that perfectly well. And he knows that upon that subject we have yielded nothing, and proposed to yield nothing, in the passage of this Texan boundary bill, but that, on the other hand, we have taken the first and most indispensable step towards securing the existence of a free State, or indeed of any State, on the Rio Grande.

Mr. President, it required no change of administration to convince any of us, I think, of the absolute necessity of running

a boundary line of some sort between New Mexico and Texas. And that, Sir, not by the slow process of judicial adjustment, nor by the dilatory decision of a board of commissioners, as proposed by the honorable Senator from Maine, (Mr. Bradbury,) but by the prompt and immediate action of the Congress of the United States. You may call it timidity; you may call it cowardice, if you will; but I confess to have believed that upon this question we were brought at last to the alternative of drawing the line, or of drawing the sword. I confess to have believed, that unless some measure of this sort were speedily adopted, we should not have a foot of free soil this side of the Rio Grande, without fighting for it. Now, Sir, for my own part, I had rather that this boundary between sister States should be run by gold than by steel; by money than by blood; and that it should be marked upon the map of our Union in all time to come, by any other lines rather than *red* lines.

Sir, always from the beginning of the session, I believe that both my colleague and myself have agreed in the idea, that this boundary line must be settled as a separate and independent question, and that it was to be settled, if possible, by the Congress of the United States, upon fair and liberal terms towards Texas, — not in a spirit of unworthy concession, but in a spirit of just and liberal accommodation. And, when it shall be so settled, the only cloud which casts a serious shadow over the domestic peace of our country will, in my judgment, have disappeared. But how is it, Sir, with the precise boundary which the bill which has passed this body has proposed to run? The Senator from Ohio has alluded to the line proposed by the Senator from Missouri, (Mr. Benton,) as one greatly preferable. I acknowledge that it is so, in many respects; but how far was it a practicable line? It will be remembered by the Senate that I offered that line myself, just before the Senate adjourned on the day before the bill was put on its final passage, and that I withdrew it the next morning. And why did I withdraw it? Because I ascertained, on examination and inquiry, that the convention of New Mexico which framed that State constitution, which it is my earnest hope that Congress will one day or other acknowledge and ratify, had themselves cut off a large portion of the

territory included by that boundary line, and had put their own line at about the thirty-second degree of North Latitude. Thus the seventy thousand square miles, spoken of by the Senator from Missouri, around the sources of the river Puerco, had been abandoned by New Mexico herself.

MR. BENTON (in his seat.) A part of it.

MR. WINTHROP. A very large part of it, Sir. I doubt, under these circumstances, whether the Senator himself would have adhered to that part of his proposed line. Certainly he would not have done so, if his views, like my own, had been favorable to receiving New Mexico at once as a State. But what does the Senator from Missouri tell us this morning in regard to another part of this boundary question? He tells us, Sir,—and it is a most important fact to be taken in connection with the remarks of the Senator from Ohio—he tells us that the thirty thousand square miles of Northern territory which the line proposed by the Senator from Maryland (Mr. Pearce) left to Texas, and which his own bill would have secured to the United States, in his judgment belonged rightfully to Texas, and that he had proposed to purchase it outright with a part of those fifteen millions of dollars which his bill appropriated.

MR. BENTON, (in his seat.) Exactly.

MR. WINTHROP. So that, instead of our ceding to Texas, in this quarter, territory which belonged to New Mexico, it is now upon record, from the lips of the distinguished Senator from Missouri,—upon whose testimony I would rather stake a question of geography than upon that of any other Senator in the chamber,—that these thirty thousand square miles, which the bill of the Senator from Maryland has left to Texas, were already the rightful property of Texas.

Well, now, Mr. President, let me not be supposed to intimate that I am entirely satisfied with the boundary line which has been adopted. I desired a very different line, and I voted uniformly for every one of the amendments which were offered with a view to improve it. Yet I must say that the advantages of that line have not been altogether appreciated, even by the honorable Senator from Maine. Why, Sir, where is the most valuable part of the territory in dispute between the United

States and Texas, — the most valuable for every purpose of a free and prosperous State? Certainly, it is upon the borders of the Rio Grande. It is upon the banks and along the sources of the Puerco. It is not upon the *Llano estacado*. It is not upon those barren heaths and buffalo ranges which constitute the greater part of this northern territory which is to be left to Texas. Now, the boundary line proposed by the Senator from Maryland has secured to the future State of New Mexico a large strip of land, — I know not precisely how many square miles, but enough, I have reason to think, to make a State almost, if not quite, as large as the State of Massachusetts, — on the very borders of the Rio Grande, and in the immediate valley of the Puerco.

Sir, this is not a question to be settled by any mere superficial measurement, by any mere calculation of acres or of square miles. It is the character, and not the extent, of the territory which is to be regarded. And, for one, I hold that this triangle of territory on the Rio Grande and the Puerco, which is now secured to New Mexico, and which the compromise bill would have given up to Texas, is worth the whole of the thirty thousand square miles, and of thirty thousand more added to them, upon that dreary and desolate plain, over which (as the Senator from Missouri has told us) one can only find his way by means of the stakes which have been driven down into the soil, to take the place of those natural landmarks, which are to be found in abundance wherever land is fit for the occupation of man.

But, after all, Mr. President, the real question before us is what is to become of New Mexico? That is the question involved in the bill under consideration. Now, Sir, I do not propose to detain the Senate, at this late hour of the day and of the session, by any formal speech on that subject. But, lest my votes should be misunderstood hereafter, I must state my opinions and purposes briefly but distinctly. During the short time in which I have had the honor of a seat in this body, I have been content with giving votes upon these great questions from day to day, with but little explanation. I have done so from a sincere reluctance to delay the action of the Senate. I had at any time rather "be checked for silence, than taxed for

speech." I have done so, however, the more readily, because I have already had an opportunity of expressing my views elsewhere. It so happened, Sir, that on the very day on which the compromise bill was introduced into this chamber, I was making a speech on the same subject in the other end of this Capitol. While the distinguished Senator from Kentucky (Mr. Clay) — who is not now among us, but who, we all hope, will soon return to his place reinvigorated by the ocean breezes of New England — was reading the report of the committee of Thirteen here, I was addressing the House there. I remember it the more strongly because that distinguished Senator, with the resistless fascination which belongs to him, had drawn off a large portion of the audience, which, under other circumstances, I might have reasonably expected, and had left me with quite too many empty seats, both on the floor and in the galleries, for the inspiration which is so necessary to success in an effort of that kind. But so far as it may be important to me to inform my constituents of the views and opinions which I entertain on this subject, that speech will answer my purpose.

I will only say, then, here and now, that I have changed no opinion or intention which I then expressed. I am in favor, now as then, of the unconditional and immediate admission of California to the Union, and for that measure, I rejoice to say, I have at last had the satisfaction of voting. I am in favor, now as then, of settling this boundary line between New Mexico and Texas as a separate and independent question, and for that measure, also, my colleague (Hon. John Davis) and myself have already given votes, which proved to be essential to its passage. And with regard to New Mexico herself, for the purpose of avoiding that strife and contention which, I fear, is always destined to spring up in this country, whenever a Territorial Government is proposed to be established on soil now free, and in regard to which any question of slavery can arise, I am in favor, now as then, of pursuing the plan proposed by the late lamented President of the United States, — the plan of admitting New Mexico as a State, as soon as she shall present herself with a republican Constitution, and of postponing all consideration of this Territorial question until that time shall arrive.

To these views, Sir, I still adhere. No change of administra-

tion, and no change of my own position, has altered them in the slightest degree. If this bill, therefore, is pressed to a vote, I shall vote against it. If, in the mean time, however, a motion shall be made to apply to New Mexico the principle of the ordinance of 1787, I shall vote in favor of that motion. I am aware, Sir, that the revival of this principle has been stigmatized in some quarters as odious and offensive to the South. I can only say that I shall vote for it in no spirit of offence. I shall vote for it for no mere purpose of obtaining a sectional preponderance, and with no vain view of crowding slavery out of existence by confining it within its present limits. But I shall vote for it because I believe such a restriction to be for the highest and best interests, for the present and for the permanent welfare, of the new Commonwealth, whose destinies are now about to be determined. My own earnest desire, however, would be, that the Congress of the United States should, at no distant day, accept and ratify the Constitution which New Mexico herself has framed; and, should thus settle this question, once and forever, in the only way in which it can be fully and finally settled. It has already been stated by the President of the United States that this Constitution will come here in the shape of a "petition" to Congress to admit New Mexico into the Union. Now, it would seem to me nothing more than justice that, instead of going on with the bill under consideration, we should wait to receive this petition, in order to have the views and wishes of the people of New Mexico fairly before us, and in order that we may decide intelligently and deliberately upon the suggestions which they may make in regard to their own future condition. At any rate, Sir, these are the views which I expressed elsewhere many months ago, and these are the views upon which I shall act here to-day.

## PROTEST AGAINST THE ADMISSION OF CALIFORNIA.

REMARKS IN THE SENATE OF THE UNITED STATES ON RECEIVING A PROTEST FROM A NUMBER OF SOUTHERN SENATORS, AUGUST 14, 1850.

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MR. PRESIDENT, I would respectfully ask of the Chair whether the question upon receiving this protest is understood to include the proposition to enter it on the journal? In other words, is there to be more than one question upon this subject? Will the question be first on receiving the paper, and then on entering it upon the journal?

THE PRESIDENT. The question now is on the reception of the paper.

MR. WINTHROP. I think it important that the distinction, which I have stated, should be taken by the Senate and by the Chair. If the question is merely whether this paper shall be received by the Senate, and shall be placed with other papers which are respectfully presented, on the files of the Senate, without being entered upon the journals, I should have no objection to such a course.

THE PRESIDENT. The Chair, on reflection, would state to the Senator, that the reception of the paper would carry it on the journal.

MR. WINTHROP. I presumed that such would be the decision of the Chair. There is, then, but one question to be decided; and that is, shall the paper be received, and entered upon the journals of the Senate?

Sir, I have always been in favor of the largest courtesy, and of the most liberal construction of rules, in regard to petitions, memorials, and other papers, which might be presented to Con-

gress. My honorable friend, the Senator from Illinois, (Gen. Shields,) has compared this question to a question upon receiving a petition. I am inclined to think that the Senator from Virginia, who presented the paper, would be the last who would desire to place it on that ground. I am inclined to think that his views with regard to the reception of petitions are much more circumscribed than my own. While I should go for the largest liberty of presenting petitions, properly so called, from any part of the people of the United States, upon any subject upon which they may see fit to address us, he would be disposed to limit that reception by certain rules, to which I need not allude. It seems to me, however, that there is no analogy whatever between the question of receiving petitions, or memorials, or remonstrances from the people, and that of receiving a protest from honorable members of this body—who are privileged to speak here, and to vote here, in their own persons—with a view to entering that protest upon the journal.

Sir, the Constitution has already secured to the honorable member from Virginia, and to those who are associated with him in this proceeding, the privilege of entering upon the journal the only protest really worth making. That constitutional protest does not consist, indeed, of a lengthened argument or a heated appeal on any question which may be submitted to us. But it consists in that which is more potent than any argument or any appeal—the emphatic word “no.” That protest remains on the journal. The Constitution has secured them the right of placing it there, and there it stands. Their explanations are for themselves, and for the States which they represent.

I remember, Sir, at this moment, but one parliamentary body in the world, which acknowledges an inherent right in its members to enter their protests upon the journals.\* That body is the British House of Lords. It is the privilege of every peer, as I understand it, to enter upon the journals his protest against any measure which may have been passed contrary to his own individual views or wishes. But what has been the practice in our

\* The privilege of “inserting in the record an opinion contrary to the resolution of the majority” is secured to the members of the Executive Council of Massachusetts, by a special provision of the Constitution, and other State Constitutions may contain similar provisions.



own country? You, yourself, Mr. President, have read to us an authority upon this subject. It seems that in the earliest days of our history, when there may have been something more of a disposition than I hope prevails among us now, to copy the precedents of the British Government, a rule was introduced into this body for the purpose of securing to the Senators of the several States this privilege which belongs to the peers of the British Parliament. That proposition was negatived. I know not by what majority, for you did not read the record; I know not by whose votes; but the rule was rejected. It was thus declared in the early days of our history that this body should not be assimilated to the British House of Lords in this respect, however it may be in any other; and that individual Senators should not be allowed the privilege of spreading upon the journals the reasons which may have influenced their votes.

I am sure, that my honorable friend from Virginia would be the last, and that the State which he represents would be the last, in these later days of the Republic, to endeavor to bring about a greater analogy between that body and this, and to attempt to secure for us privileges which have heretofore been confined to an aristocratic peerage. I say this in the utmost sincerity, and with the most perfect respect for the honorable Senator from Virginia. Indeed, nothing goes more against my own heart, than to refuse any privilege which may be asked by a minority, upon this or upon any other question.

But, Sir, I cannot forget that the day has been when I myself have desired to place my name—not indeed upon the journals of this body, for I have come here too recently to have had any desires on the subject, but upon the records of another body, in opposition to more than one measure which has been brought up for my vote. Where is the protest against the annexation of Texas? If the precedent which it is now proposed to establish, had been in existence at that time, can there be a doubt that Northern Senators, if not Southern Senators—for there were Senators from the South, as well as Senators from the North, who considered that measure unconstitutional, and I have now in my eye an honorable Senator from Georgia (Mr. Berrien) who coöperated with us at the time on constitutional grounds—can

there be a doubt, I say, that there would have been both Northern and Southern Senators, and Northern and Southern Representatives, who would have desired to avail themselves of an opportunity to place upon the record their protest against the annexation of Texas, at the time it was accomplished?

I am unwilling to admit, Mr. President, that this is the first time in our history that an act has been consummated which renders such a protest justifiable or proper. I am unwilling to admit, that there has been no measure passed in the whole history of this Government, in opposition to which members of either branch were entitled, upon principles of courtesy, if courtesy only is to prevail here, to enter their names and their reasons upon the record.

Why, Sir, I remember the bill for the declaration of the Mexican war, or, I should rather say, for the recognition of the Mexican war, in which that memorable preamble was inserted, "whereas war exists by the act of Mexico," &c. That bill was passed with little or no debate; but, at the very moment of its passage in the other branch of Congress, I drew up a protest against that preamble. It is still extant, not indeed in "very choice Italian," but in such chirography as I was able at the moment to command. It was signed by more than myself. It was signed by an honorable friend from Connecticut, (Mr. Truman Smith,) now a member of this body, and by an honorable member from Ohio, (Mr. Vinton.) But we found that neither precedent nor principle, as we thought, would sanction us in any attempt to place that protest upon the record, and we therefore forbore the attempt.

Now, Sir, for myself, I do not desire to add fuel to the flame, which seems almost ready to consume the country. I desire to do nothing, and to say nothing, to add to the irritation which exists on the other side of this chamber, and in certain quarters of the Union. I am willing even to acknowledge, and I do acknowledge, that there are considerations and circumstances connected with the admission of California, which are calculated to excite and irritate gentlemen from the Southern States. I would spare their feelings. But at the same time I would adhere, now and always, to those wholesome precedents, and I

may add, to those established principles, which have heretofore governed us in these legislative bodies. I say those established principles, Sir, for I can hardly help regarding this as a question of principle. The Constitution calls upon us to do what? To keep a journal of our proceedings, in order that the people may be able to see what measures have passed, and who are responsible for those measures. Is this paper any part of our proceedings? The Constitution does not secure to a member the privilege of entering his reasons on the record, nor does it, in express terms, prohibit him from doing so. But is there not something of an implication to be derived from this express injunction of the Constitution, that we should keep a journal of our proceedings? For, of what use will it be to keep such a journal, if the record of our proceedings is to be cumbered and complicated and smothered up by such a succession of protests as will inevitably succeed each other upon this, and upon other questions, if such a precedent shall now be established? Where will the practice stop? Sir, if the question were merely to receive this paper, and treat it respectfully, as we treat petitions and memorials, it would gratify me to unite in assenting to such a course. But with the greatest possible respect for the Senators who have signed it, I cannot vote for its reception, if the question of reception involves also the question of entering it upon the journal.

## THE FUGITIVE SLAVE LAW.

REMARKS IN THE SENATE OF THE UNITED STATES, AUGUST 19, 1850.

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I HAPPEN to have on my table, at this moment, Mr. President, a little pamphlet, of which this is, I think, the second number, entitled, "The United States Postal Guide," and which contains a paragraph which I would venture to recommend to the attention of the Senator from Virginia, (Mr. Mason.) It is in these words:—

"FUGITIVE SLAVES. In an action brought in the United States District Court of the Southern District of Iowa, by Ruell Daggs, of Clark county, Missouri, plaintiff, against Elihu Frazier and four other defendants, for harboring, concealing, and preventing the arrest of plaintiff's slaves, who had absconded into Iowa, the jury found a verdict for the plaintiffs of \$2,900.

"A similar trial had before Judge McLean, in the Circuit Court of the United States, by John Norris, of Kentucky, against eight residents of Michigan. The number of slaves was four, and the damages given by the jury \$2,856."

Now, Sir, here we have the result of the latest judicial proceedings on the subject before us. Here we have a record of the most recent decisions which have taken place in two of the free States of this Union. And it seems to me that here is quite sufficient evidence to show that, whatever insurmountable obstacles there may be in a trial by jury to the recovery of the fugitive slaves themselves, there is no such insurmountable obstacle to the recovery of the most ample and exemplary damages against those who have aided in their escape. I think this will serve, to some extent, as an answer to the suggestions of the Senator from Virginia. It will prove, at any rate, that the South is not so entirely without remedy or redress for the wrongs of which she complains, even as the law now stands. For myself, Sir, without intending to detain the Senate at any

length, I cannot help expressing my hearty concurrence in the amendment proposed by the Senator from New Jersey, (Mr. Dayton.) I understand that it is the same proposition which was laid on the table of the Senate, some weeks ago, by my distinguished predecessor in this seat, (Mr. Webster,) and which was prepared and proposed by him after a careful consultation with one of the judges of the Supreme Court, (Mr. Justice McLean,) whose decisions in cases of this kind have always, I believe, been satisfactory to the country.\* I hold it to be a just and reasonable provision, and one which ought to form a part of any bill which shall be passed for this purpose. The Senator from Georgia seemed to go upon the idea that there is but one question to be decided with regard to a person claimed as a fugitive from labor; and that is the question whether he belongs to, or owes labor or service to, the party who claims him. But it seems to me that there is another and a preliminary question, and that is, whether he is a fugitive at all; whether he belongs or owes service to anybody? It must always be a question whether such a person be your slave, or whether he be our freeman? Now, whether he be your slave might be a question very proper to be tried by a jury of the vicinage, and to be decided on the spot where the professed owner resides; but whether he be our freeman would seem to be a question which, upon the very same principle, should be tried where he is seized, and where the immediate liberty which he enjoys is about to be taken away from him.

MR. BUTLER. Will the Senator allow me to ask the question fairly, so as to put it before the country, whether the Senator knows of a single instance where a citizen has claimed a person as a slave who was not his own, or where one has so claimed a person while acting as an agent for the owner?

MR. WINTHROP. Mr. President, if I understand aright the history of this very law of 1793, which we are now engaged in amending, I think the Senator from South Carolina will be answered if I briefly recite that history. As I understand the matter, that law originated on this wise. In the year 1788 or 1789, a free negro, residing in the State of Pennsylvania, named

\* Webster's Works, Little & Brown's ed. 1851, vol. v. pp. 373, 374.

John, was kidnapped by three white men from the State of Virginia. These three white men were indicted for the crime; and as they had fled to the State of Virginia, they were demanded by Governor Mifflin, of Pennsylvania, under the instigation of the abolition society of that State, over which, if I mistake not, Benjamin Franklin about that time presided. The Governor of Virginia, whose name I do not remember,\* decided that there was no law for carrying into effect that clause of the Federal Constitution just then going into operation, under which fugitives from justice were to be surrendered. He therefore refused to deliver up the three white men, indicted as having kidnapped a free negro. Governor Mifflin, soon after, communicated these facts to General Washington, then President of the United States, who communicated them to Congress, and upon this communication the law of 1793 was based. That law provides, first, for the return of fugitives from justice, and then for the return of fugitives from service or labor. And the brief history which I have thus given of its origin, will in some degree account for the fact, that these two incongruous matters are mingled together in the same bill.

It seems then, Mr. President, that, at the very outset of the history of this Government, a case like that respecting which the Senator from South Carolina inquires, did actually occur, and that it gave occasion to the passage of the very statute which is now, for the first time, about to be amended. I cannot answer as to other cases. There may, or may not, have been others. It is said that they are not very likely to happen, and I admit that it is so. But as long as there is danger that they will occur, as long as there is a possibility that they may occur, so long will there be opposition to the seizure and abduction of supposed fugitives in the summary and irresponsible manner provided for in this bill. And this leads me, Sir, to say one word more. I believe, in all sincerity, that more fugitives from labor and service would be recaptured and recovered by their owners under a law providing for a trial by jury, than under the law of 1793, or under the law which the Senator from Virginia has now submitted to our consider-

\*Beverly Randolph.

ation. And why would it be so? Because all laws depend in no small degree for their efficiency upon the public sentiment of the State or the community in which they are to be executed. If there be a strong sense of the injustice and oppressiveness of any particular provision, whether of this law or of any other, there will always be more or less of opposition to its execution. On the other hand, if provisions should be inserted in this bill like those proposed by the Senator from New Jersey, which cannot but accord with the sense of justice, and the strong preconceived opinion of right, of the communities in which this law is to have its main operation and effect, I believe it would in most cases be faithfully carried out, and that more fugitives from labor would be returned to their masters under its operation, than have been returned within the last half century. That is my own honest opinion.

At any rate, Sir, I shall vote for the amendment offered by the Senator from New Jersey, as right and just in itself, whatever may be its effect. I am in favor of recognizing the right of trial by jury in all cases where a question of personal liberty is concerned. I hope the amendment will be adopted. But if not, I shall offer one myself, which shall at least provide that the writ of *Habeas Corpus* may be allowed in cases of this kind, and that the certificates of these commissioners shall not prevent a review of the question by some more responsible magistrate than is provided for in this bill.

MR. MASON. I took some little interest in learning the facts of the case just adverted to by the honorable Senator from Massachusetts. I understood the Senator to reply to the question of my friend from South Carolina, which was, whether he ever knew of any instance in which a man claimed as a slave by a claimant from a slave State was found to be a free man and not a slave; and the Senator, by way of adding a case, instanced that out of which this law of 1793 grew. The history of that law I understand, I think, as well as the honorable Senator from Massachusetts; and it is this: Three men, from the State of Virginia, went into the State of Pennsylvania, and carried off a negro, and brought him to the State of Virginia. And they were indicted in Pennsylvania for "kidnapping," as it is called. A demand was made by the Governor of Pennsylvania upon the Governor of Virginia for the restoration, or rather the surrendering, of these three men as fugitives from justice, the offence charged being that they had committed a felony, in taking off this negro who was alleged to be free. Now, I want to know from the Senator from Massachusetts where he learns that the negro thus taken in Pennsylvania was a free man and not a slave?

MR. WINTHROP. I will answer the honorable Senator from Virginia with great pleasure. In the first place, Sir, our rule of presumption in Massachusetts is precisely opposite to that which I believe generally prevails in Virginia. We hold that every colored person is a freeman until he is proved to be a slave. Now, there is no proof or allegation anywhere that this kidnapped negro was not free,—and the very indictment found against those who seized him and sold him, would seem to settle the question that he was free. I stated, however, in the second place, that he was a freeman, upon the evidence of a report which was made to the Legislature of Massachusetts some years ago, by a committee which had investigated the facts, and which describes him as “a free negro, named John.” I do not understand, moreover, that in any of the proceedings connected with this case, or in any of the papers communicated to Congress at the time, the suggestion was anywhere made that this man was a slave; but, on the contrary, I understand that those papers everywhere speak of him as a freeman.\* In regard to this point, however, I am ready to be corrected.

But, Sir, as I am called up again upon this subject, I cannot resist the opportunity of giving one more answer to the inquiry of my honorable friend from South Carolina, (Mr. Butler.) His question in substance is, where is there an instance of a free person being seized as a slave? Now, Sir, he must allow me to remind him—and I assure him that I do so in no mere spirit of crimination or reproach—that such a thing may happen even under the express laws of his own State. It is well known, and I believe that the Senator from South Carolina himself has on some occasion expressed his regret at the fact,—that the State of South Carolina, and other slaveholding States, have laws upon their statute-books under which free persons of color, coming from Boston or New York or Philadelphia, or any other of the commercial cities of the Union, in Northern vessels, and arriving in Southern ports, may be seized, without any charge of crime, and without any examination except to ascertain the color of their skin,—may be carried on shore and im-

\* American State Papers, vol. xx. pp. 38–43.



prisoned, — and unless, when the vessel sails, the master of the vessel should reclaim them, and pay a pretty heavy reckoning for their maintenance in jail during the whole period of their detention, may be sold into slavery for life. Now, supposing that one of these free colored persons of the State of Massachusetts, or of any other State, having been seized, while on board of a vessel in which he was lawfully engaged, and having been imprisoned and sold into slavery in the manner and under the circumstances which I have stated, should make his escape, and should succeed in getting back to the port from whence he sailed, — would there be any thing so very unreasonable in our calling for a trial by jury upon a question whether he should be remanded into slavery? Would it be altogether incumbent upon us, do you think, Sir, to take the mere oral testimony of the claimant, — even though he might have purchased the negro *bonâ fide*, — and at the same time to refuse to take the testimony of the fugitive himself, or of those who might have known him as a freeman before he went on the ill-starred voyage which terminated in his being seized and sold as a slave?

Here again, then, is a case, in which such an occurrence as that alluded to by the Senator from South Carolina, might happen. I do not say that it is very likely to happen; but I cannot help adding in this connection, that, in my judgment, there is no grievance, no complaint, which the Southern States have ever arrayed against the Northern States, which can be compared for a moment with the grievance which the Northern States have to complain of at the hands of the Southern States in the provisions of these laws, — laws by which the cooks and stewards engaged on board their vessels, and in the prosecution of their lawful employments, are thus liable to be seized and sold into slavery.\*

\* It was proposed to include in this volume some passages of a debate on this subject, and particularly in regard to the laws of Louisiana, which occurred incidentally in the Senate soon after these remarks were made. But it was found impossible to detach what was said by Mr. Winthrop from its connection, and to insert it here in a separate form, without doing great injustice both to himself and others. The same consideration prevents the insertion of other remarks upon other subjects during Mr. Winthrop's Senatorial service. Meantime, while this volume is passing through the press, it is noticed with pleasure, that the Legislature of Louisiana have passed an act, which received the signature of the Governor of that State on the 18th of March, 1852, essentially modifying the law of 1842, and relieving it of many of its most obnoxious and oppressive features.

Before taking my seat, Sir, I will venture to make one suggestion, a little more practical, perhaps, in regard to this summary process recommended by the amendment of the Senator from Virginia. Here is a case referred to in his own report — the celebrated case of *Prigg v. The Commonwealth of Pennsylvania*. What were the circumstances of that case? It seems that a negro woman named Margaret Morgan had fled from service and escaped to Pennsylvania in the year 1832; and that the defendant, as the legally constituted agent of Margaret Ashmore, had caused the said Margaret Morgan to be apprehended in the year 1837. Now, here is an interval of five years from the time of the escape to the time of the arrest; and there might be an interval of ten years, or of twenty years even, so far as any provision of this bill is concerned. There is no statute of limitations here in regard to the rights or powers of the claimant. He may come into a free State after any lapse of time, however long, and upon his mere oral testimony, when his recollections of the fugitive himself may be ever so indistinct, and when the fugitive himself may be so much changed as to render liability to mistake ever so great, he may demand of one of these commissioners the certificate, which may settle forever against the party claimed the question of his right to freedom. Sir, if the trial by jury is not to be allowed in all cases, would it not be proper, would it not be just, to incorporate into this law something of the principle of "fresh pursuit;" giving to all persons the right of trial by jury, except in cases of such fresh pursuit; and giving to that fresh pursuit a limit of not exceeding one or two years at the furthest? When a longer time than this has elapsed since the alleged fugitive escaped, ought there not, I ask, to be ample opportunity afforded for investigation, on the spot where he is seized, in order that it may be ascertained, beyond all doubt, whether the party claimed be really the fugitive he is charged with being, and whether there may not be those in the neighborhood who have known him as one born and brought up among themselves, and as now wrongfully seized as a runaway slave? I can only say that such a course would seem to me eminently just and proper.

## THE OTTOMAN EMPIRE.

A SPEECH MADE AT THE PUBLIC DINNER GIVEN TO AMIN BEY BY THE  
MERCHANTS OF BOSTON, NOVEMBER 4, 1850.

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I AM greatly honored, Mr. President, by the sentiment just proposed, and I beg my good friend, the Vice-President, (Hon. Benjamin Seaver,) to accept my hearty thanks for the kind and complimentary terms in which he has presented my name to the company. I am most grateful for the opportunity of meeting with so large a number of the intelligent and enterprising merchants of Boston, and of uniting with them in a tender of deserved hospitality, and in a tribute of just respect, to the Commissioner of his Imperial Majesty, the Sultan of Turkey.

And yet, I cannot but reflect, even as I pronounce these words, how strangely they would have sounded in the ears of our fathers not many generations back, or even in our own ears not many years ago. A deserved tender of hospitality, a just tribute of respect, to the Representative of the Grand Turk! Sir, the country from which your amiable and distinguished guest has come, was not altogether unknown to some of the early American discoverers and settlers. John Smith — do not smile too soon, Mr. President, for though the name has become proverbially generic in these latter days, it was once identified and individualized as the name of one of the most gallant navigators and captains which the world has ever known — that John Smith who first gave the cherished name of New England to what the Pilgrims of the Mayflower called “these Northern parts of Virginia” — he, I say, was well acquainted with Turkey; and two centuries and a half ago, he gave the name of a Turkish lady to one of the Capes of our own Massachusetts

Bay. But he knew Turkey as a prison and a dungeon, and he called what is now Cape Ann, *Cape Tragabigzanda*, only to commemorate his affection for one who had soothed the rigors of a long and loathsome captivity.

Nor was Turkey an unknown land to at least one of those Winthrops of the olden time, with whom the Vice-President has so kindly connected me. In turning over some old family papers since my return home, I have stumbled on the original autograph of a note from John Winthrop, the younger, dated "December 26th, 1628, at the Castles of the Hellespont," whither he had gone, as is supposed, as the Secretary of Sir Peter Wich, the British Ambassador at Constantinople. The associations of that day, however, with those remote regions, were by no means of an agreeable character, and I should hardly dare to dwell longer upon them on this occasion and in this presence.

I rejoice that events have occurred to break the spell of that hereditary prejudice, which has so long prevailed in the minds of not a few of us, towards the Ottoman Empire. I rejoice that our associations with Turkey are no longer those only of the plague and the bowstring; that we are encouraged and authorized to look to her hereafter for something better than a little coarse wool for our blankets, or a few figs for our dessert, or even a little opium or rhubarb for our medicine chests; that, in a word, we are encouraged and warranted to look to her, under the auspices and administration of her young, gallant, and generous Sultan, for examples of reform, of toleration, of liberality, of a magnanimous and chivalrous humanity, which are worthy of the admiration and imitation of all mankind. I rejoice, especially, that an occasion has been afforded for testifying the deep sense which is entertained throughout our country, of the noble conduct of the Sublime Porte in regard to the unfortunate exiles of Hungary.

The influence which the Ottoman Empire seems destined to exert over the relations of Eastern and Western Europe, is of the most interesting and important character; and, while we all hold steadfastly to the great principle of neutrality which Washington established and enforced, we yet cannot suppress our satisfaction that this influence is now in the hands of one, who

seems determined to wield it fearlessly for the best interests of civilization and humanity.

And now, Sir, let us hope that our distinguished friend, Amin Bey, may return home with some not less favorable impressions of our own land. Of our enterprise, of our industry, of our immense material production, of our rapid progress in arts and improvements of every kind, of our vast territorial extent, he cannot fail to testify. Let us hope that he may be able to speak also of internal order, of domestic tranquillity, of wise and just laws, faithfully administered and promptly obeyed, of a happy, contented, and united people, commending by their practice and example, as well as by their principles and precepts, the institutions under which they live.

The distinguished gentleman who preceded me, (Mr. Webster,) and whom I have been under the disadvantage of following in other scenes as well as here, has spoken of the Union of these States. There is no language so strong or so emphatic, which even he can use, as to the importance of preserving that Union, which does not meet with a prompt and cordial echo in my own bosom. To the eyes of Amin Bey, and to the eyes of all foreign nations, we are indeed but one country, from the Atlantic to the Pacific. To them there is no Boston or New York, no Carolina or Louisiana. Our commerce goes forth under one and the same flag, whether from the Bay of Massachusetts or from the "golden gate" of California. Under that flag, it has been protected, prospered, and extended beyond example. Under that flag, new fields are opening to it, and new triumphs are before it. May our distinguished guest take home with him an assurance, founded upon all that he has seen and all that he has heard, of the resolution of us all, that the flag of our Union shall still and always remain one and the same, from ocean to ocean, untorn and untarnished, proof alike against every thing of foreign assault and every thing of domestic dissension!

## RELIGIOUS INSTRUCTION OF THE YOUNG.

A SPEECH MADE AT THE ANNIVERSARY MEETING OF THE WARREN STREET  
CHAPEL ASSOCIATION, ON SUNDAY EVENING, APRIL 27, 1851.

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THE Secretary of the Association (Rev. C. F. Barnard) will bear me witness, Ladies and Gentlemen, that when I accepted his kind invitation to be present and preside here this evening, there was an express understanding and stipulation between us, that I was not to be held responsible for any thing in the nature of an Address. I am sure, however, that you will all pardon me, if, before putting a formal and final question upon the adoption of this Report, I shall add a very few words to what has already been so impressively said by those who have preceded me. I need not assure you that I have listened with the deepest interest to the account which the Report has given of the progress and prospects of this Institution. No man, indeed, who has a heart within his bosom, a heart either for the welfare of man or for the glory of God, could have listened to that account without emotions deeper than he could readily find words to express. For myself, certainly, I know of few things better calculated to touch and thrill the inmost susceptibilities of a Christian soul, than the precise picture presented to us in this paper; the picture of so many young children, rescued from the snares of ignorance, idleness, and vice; snatched, many of them, as brands from the burning; and trained up to habits of industry, to the love of truth, to the practice of virtue, to the knowledge and praise of God. And I may be permitted to add, that I know of no person who has secured for himself a prouder or more enviable distinction than one, who, having

drawn such a picture with fidelity, and having gracefully and modestly held it up to the public view, can say with truth, "these are the fruits of my labors; this is the account of my stewardship."

It is now, I think, not far from a quarter of a century, since your Secretary and myself, with at least one other of those whom I have seen at my side this evening, having finished our collegiate course, left the walls of the neighboring University together. We had many classmates and common friends who were soon scattered along the various paths of life, and in various parts of the country. Some of them, indeed, of the richest promise, were struck down at the very threshold of their career, and others of them have since fallen in more advanced stages of manhood; but the greater part have remained to this day, and not a few have reached high degrees of preferment in social, literary, or political life. I hazard nothing, however, in saying, that there is not one of them who could have been present here this evening, and listened to the account which my friend has given of the work to which he has so successfully devoted himself, without feeling the comparative worthlessness of his own pursuits, or without uniting with me in admitting, that while so many of us have been careful and cumbered about many things, our brother has chosen that good part, which shall not be taken away from him.

Certainly, no one can deny or doubt for a moment, that the work in which this Association is engaged, is one of the great works of the day, and one which demands the active sympathy and coöperation of every patriot as well as of every Christian. I need not say that it is a work enjoined upon us by the highest sanctions of religious obligation. I need not remind you in this place, and in this presence, that there is nothing more exquisite in the example of our Saviour than his tenderness for young children; and that there is hardly any thing more memorable in his teachings than the woe which he denounced against those by whom one of these little ones should be offended. But we need not look to the word of God, or to the example of Christ, to find motives for sustaining such institutions as this. If we were to throw aside all considerations of religious obligation; if we

were to be governed only by the most selfish calculations of worldly policy, this Institution, and others of a kindred character, could never be permitted to fail or languish for want of friends or for want of funds. Does any one point me to economical considerations? Why, does not the whole experience of our age and of our country prove, that what we save in schools we must pay for in prisons?—That what we economize in the prevention of vice and crime, we must pay for, and pay for a hundredfold, not merely in the expense of their detection and punishment, but in the thousand injuries and losses which they inflict upon society?

In whatever aspect we contemplate the community in which we live, whether we look to the wide range of our extended Country, or to the narrow limits of our own State or City, we shall find everywhere, that our interests are inseparably identified with the great cause of education and religion. If this Republic is to stand, if these free institutions of ours are to endure, if this venerated Commonwealth is to maintain any thing of its ancient character and consequence, if this beloved City of ours is to enjoy peace within its walls and prosperity within its palaces, it will not be owing, primarily and principally, to our armies or navies, to our courts or congresses, to our sheriffs or policemen, (though I would by no means speak lightly of the necessary machinery of government,) but it will be owing, first and above all, to the blessing of God upon our efforts to train up our children in the way they should go, so that when they are old they may not depart from it. There are others who may see greater dangers from political agitation or sectional collision, and I would not underrate the immediate troubles of the times; but the greatest danger which presents itself to my own mind, as I attempt to cast the horoscope of my country, is that arising from the gradual growth and increase among us of a population not prepared for liberty, not fitted for freedom, not capable of self-control, not educated and instructed in those principles of morality and virtue, of law and order, of the fear of God and of respect for government, upon which all republics must rest for their foundation, and which they absolutely require for their stability and success.



And, my friends, we must meet this danger at the threshold; or it will be too late. We must grapple with it now, and through the instrumentality of institutions like this, or it will grow too strong for us. Who shall say how much of the peace and prosperity of our Commonwealth, or even of our whole Country, may depend upon those little groups of idle, profane, and ragged boys which we see on the sidewalks or at the corners of our streets, it may be on some holiday festival, or it may be disturbing the quiet of some Sabbath evening?

We are too apt to forget that these boys are to be the men of the future, and perhaps the masters of the future. But let us remember, too, that we may be their masters now. Let us remember that we may exert influences upon them now, which shall control their conduct and their character long after we are gone down to our graves. If we will but call them in from their evil associations and vicious pursuits, if we will give them the means of useful and honorable employment, if we will teach them the rich rewards of a life of honesty and virtue and diligence, if we will open to them the word of life, and show them that godliness which has the promise of the life which is, as well as of that which is to come,— we shall have made them good citizens as well as good Christians, and shall have performed one of the highest duties of patriotism as well as of piety.

I think it was related of an old philosopher, that, on going into a school-house, and seeing a band of ill-mannered and ill-behaved boys, instead of finding fault with the boys themselves, he inflicted a severe chastisement upon the master. This was rather a rough proceeding for a philosopher, but it was a forcible illustration of a true principle. If the boys in our land are ill-mannered and ill-behaved, it is the fault of their parents and teachers. It was only this very afternoon that the services of the sanctuary which I attended, were disturbed by the crash of a window, broken undoubtedly by one of those truant and troublesome boys which the Secretary has mentioned in his Report. My first feeling at this incident was one of indignation at the act of the boy, and of a wish that he might be caught and punished; but my second sober thought was one of pity for the boy, and of regret, I had almost said indignation, that there

were not more of these Warren Street Chapels in our city, into which boys of this character might be brought, and where they might be trained up, under the magical influence of brother Barnard, or others like him, to be devout worshippers within the temple, instead of rude rioters without.

My friend who just addressed you, (Hon. James Savage,) has reminded us of the storm which has recently swept over our city. I believe I am correct in saying, that the experience of those who have lived longest among us can recall no equal, can "parallel no fellow," to that storm in violence. More than one of the proudest structures of human art have been prostrated in its path, and not a few of our fellow beings have perished on the sea and on the shore.\*

I doubt not that as we felt the tempest raging around our dwellings, and as we perceived how powerless we were to avert its approach, to arrest its progress, or to disarm its fury, we realized, more vividly than almost ever before, the feebleness of man, the omnipotence of God; and we were ready to exclaim with the Psalmist, "except the Lord keep the city, the watchman waketh but in vain." But let us not forget that there are storms to be witnessed and to be encountered, in our progress through life, of a far more fearful character. There are passions in the breast of every human being, which if suffered to swell and rage unchecked, may produce disasters a thousandfold more ruinous. But, thank Heaven, against these moral storms we may provide. If we will take but seasonable means, we may reclaim those passions from their wild nature, and may put them under the guardianship of reason, of conscience, and of a daily sense of responsibility to God; and then we are secure. The blast of the tempest may dash down in a night the best-constructed lights which human ingenuity can set up along our shores, and bury the poor mariners in the ruins; but if we will once kindle up the spark of conscience in the breast, it may defy the convulsions of the elements; if we will but once build up the great beacon of the Bible throughout our land, the rain will descend, the floods will come, the winds will blow and beat

\* The storm of April 15-17, 1851, will long be memorable for the overthrow of the Light House on Minot's Ledge, in Boston Harbor, and for other disasters.

upon it in vain! It will stand secure and unharmed, a lamp to our feet and a lantern to our path through all the accidents of life, and will conduct us in safety to the haven where we would be hereafter.

Let us, then, cherish every institution like this, for giving the Gospel to the poor, and for implanting its precious seeds in the youthful mind; and let the best sympathy of our hearts, and the best succor of our hands, be with those who are engaged in so noble a work. For myself, I feel it a privilege to be here this evening. I thank my friends, the Directors of the Association, for the honor they have conferred upon me in calling me to the chair; and I once more express my most earnest wishes for the continued success and prosperity of this Institution.

# THE AMERICAN REVOLUTION.

A SPEECH DELIVERED AT THE ANNUAL CITY DINNER IN FANEUIL HALL,  
JULY 4, 1851.

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[In reply to the following toast: — "*The Past Members of Congress*" — Boston is justly proud of the list of those of the illustrious dead and of the respected and honored living who have represented her interests in the National Councils — may their enlarged patriotism and devotion to the Constitution be the guiding principles which shall ever animate their successors."]

I COULD not find it in my heart, Mr. Mayor,\* to decline the kind request of your committee that I would be present here to-day and say a few words in reply to the sentiment which has just been proposed. I am greatly honored by being designated to respond to such a sentiment, and by thus being authorized to appropriate to myself some humble share of the compliment which it contains. It has been my fortune to serve the people of Boston, in the Congress of the United States, for a longer period, I believe, than any one who has represented them since the adoption of the Constitution. I do not forget, however, by whom I have been preceded. I do not forget that upon the list of my respected and illustrious predecessors, to which you have alluded, are contained the names of Otis and Eustis and Ames, among the dead; of Quincy and Gorham and Lawrence and Webster, among the living. As I remember these and other names, I am deeply sensible of my own deficiencies, both comparative and positive. But while I freely confess myself inferior to all who have preceded or followed me, in the ability and success of my services, I do not yield to any of them, either among the dead or the living, in the warmth of my attachment

\* Hon. John P. Bigelow in the Chair.

to my country and its institutions, in the earnestness of my efforts to advance the interests of my constituents, or in the sincerity of my desire to promote harmony, conciliation, and concord among the whole American people.

And now, fellow-citizens, I know not how to thank you for this cordial and flattering reception. I am here, as you know, with no title to consideration save such as may result from a public career which has recently been brought to a close. After sixteen or seventeen years of official employment, in different branches of the State and National Legislatures, I am once more in the rank and file of private citizenship. My place in the procession and at the table to-day is among the *Exes*. An ex-member of the General Court, an ex-member of Congress, an ex-Speaker, an ex-Senator,\* I am an ex-every thing, excepting only and always that, which, thank Heaven, no party combinations and no personal prejudices can ever prevent me from being, — a Boston boy, a Massachusetts man, a citizen of the United States, an American freeman, — with a heart full of gratitude to those to whose unmerited favor I owe whatever honor I have enjoyed, and full of love and loyalty also to the Constitution and the Union of that native country in whose councils I have so long served.

Let me add that I am content with my position ; and it will be owing to no effort, solicitation, or desire of my own, if it shall ever be changed. There is, in my judgment, quite as much of truth, as there is of wit, in the saying of a distinguished Virginia politician on some occasion, that, in the alphabet of a true philosophy, the X's are at least next door to the Y's, (wise.) I will not say that "the post of honor is a private station ;" but I will say — and you, Mr. Mayor will know how to agree with me — that the post of personal comfort, of true satisfaction, and of inward peace, is not always a public one. Certainly, fellow-citizens, you will all give me credit for realizing at this hour, that if a termination of my Congressional career had secured

\* An unexampled Coalition between the Democrats and Free-Soilers, in the Legislature of Massachusetts, by which the State and National Offices at their disposal were made the subject of a formal negotiation and barter, had brought Mr. Winthrop's service in the United States Senate to a close on the 7th of February, 1851. Agreeably to the provisions of the contract, Mr. Rantoul was made Senator for the remnant of the short term, and Mr. Charles Sumner for the long one.

me no other boon, than that of hereafter enjoying a comfortable Fourth of July dinner like this, in old Faneuil Hall, instead of being doomed to endure the almost blistering rays of a Washington sun every alternate year, I might well congratulate myself on the result.

Why, Sir, where should an American desire to be on a Fourth of July but in Faneuil Hall? Where else can he breathe the very natal air of American Independence? Where else can he quench his thirst at the very fountain-head of American liberty? Whatever part Massachusetts may have sustained in the great controversies which have agitated the country in later years, — and I am not ready to admit that it has been an unworthy or an inferior one, — no one will venture to suggest that she played any thing less than the first part in that great drama, whose opening scenes we are assembled to commemorate. Of how many of the great events of the Revolution was not Massachusetts the stage? How many of them were enacted almost within eye-shot and ear-shot of the spot on which we stand? The heights which overhang us on the right hand and on the left — the plains which lie behind them — the harbor at our feet — the Hall in which we are assembled — State street — the Old State House — the Old South — where else was engendered that noble spirit, that fearless purpose, that unconquerable resolve, of which the Declaration of Independence was, after all, only the mere formal and ceremonious proclamation? We sometimes talk playfully about the walls having ears. O, Sir, if these walls could have had ears three quarters of a century ago, and if they could find a tongue now, what a tale would they not unfold of the true rise and progress of American Liberty!

Let me not seem to disparage the particular act which we meet to celebrate, or to be disposed to deck these hallowed columns with laurels stripped from other theatres. There are enough for all. The Declaration itself was a bold and noble act. Honor to the pen which drafted it! Honor to the tongue which advocated it! Honor to the hands which signed it! Honor to the brave hearts and gallant arms which maintained and vindicated it! Honor to the five Massachusetts Delegates

in the Congress of that day, who were second to none in that illustrious body for ability, eloquence and patriotism,— Hancock, under whose sole signature it was originally published, the two Adamses, Elbridge Gerry, and Robert Treat Paine. Honor to them all!

Indeed, the more one reflects on the real character of that act, the more full of noble courage it appears. Remember, Sir, that there was no divided responsibility in that Congress. There were no checks and balances in our confederated system. There was no concurrent vote of a second branch; there was no Executive signature, or Executive veto, to fall back upon. Fifty-six Delegates, chosen, as you yourself have just suggested, long before there was any distinct contemplation of such a course, sitting in a single chamber, with closed doors, in the capital of a colony by no means the most ripe for such a movement, are found, doing what? Taking the tremendous responsibility of adopting a resolution, and promulgating an instrument, which may not only subject their own property to confiscation, and their own necks to the halter, but which must involve their constituents and their country in a war for existence, and of incalculable duration, with the most powerful nation on the face of the earth. There was no example for such a deed. There was no precedent on file for such a declaration. And who will say that, to put one's name to such an instrument, under such circumstances, in the clear, bold, unmistakable characters of John Hancock, was an exhibition of a courage less heroic than that which has rendered many a name immortal on the field of battle?

Still, Sir, the way had been opened for such a proceeding; the popular heart had been prepared for it. As was well said by John Adams at the time, "the question was not whether by a Declaration of Independence we should make ourselves what we are not; but whether we should declare a fact which already exists." And how did that fact exist? How had it been brought about? By what events, but those which had occurred at Concord and Lexington, at Bunker Hill and in Faneuil Hall? By what men, but by our own Otis, and Quincy, and Hancock, and Hawley, and Bowdoin, and Samuel Adams, and John Adams,

and Paul Revere, and Prescott, and Warren, and all that glorious company of Massachusetts patriots, whose names will live forever?

You have all taken notice, I doubt not, fellow-citizens, of the beautiful experiment which has been in operation at Bunker Hill for some weeks past, for making visible the revolution of the earth, by a pendulum suspended from the apex of the monument. It has furnished a convincing proof of the correctness of those great physical laws of the universe which philosophy had long ago unfolded to us. But I could not help reflecting, as I witnessed it the other day, that Bunker Hill had done something more than merely furnish a convenient place for exhibiting the visible and tangible evidence of the world's motion. Sir, it has itself made the world move! And if, by some mechanical arrangement of pendulums or clock-work, it were possible to mark the course of the moral and political changes of mankind, and to trace them back to their original impulse, — where, where would it be, but to Bunker Hill or Faneuil Hall, that we should betake ourselves — and not to any place nearer either to the North Pole or to the Equator — to witness the most exact and perfect illustration of the world's progress, and to find the very *primum mobile* of those great revolutions, American and European, by which human liberty, during the present century, has been so vastly advanced and extended?

I am not disposed, Mr. Mayor, to indulge in too much of local complacency, or of sectional pride, on such an occasion as this. We have come together, not as Bostonians or as New Englanders, but as Americans. We have assembled to celebrate the birth-day of our country, and I would embrace in all the good wishes and pleasant remembrances and proud anticipations which belong to the hour, that whole Country, in all its length and breadth, from the Atlantic to the Pacific, from the St. Lawrence to the Gulf of Mexico.

I would associate with all the homage which we render to the memory of the revolutionary patriots and heroes of our own State, the Hamiltons and Jays, the Morrises and Franklins, the Laurenses and Marions, the Henrys and Jeffersons, and, above all, the unapproached and unapproachable WASHINGTON, of other



States. I would think of our country, to-day and always, as one in the glories of the past, one in the grandeur of the present, and one, undivided and indivisible, in the destinies of the future. But at a moment when there seems to be a willingness in some quarters to disparage our ancient Commonwealth, and almost to rule her out from the catalogue of patriot States, I have not been unwilling to revive some recollections of our local history, and of the part which she has played in other days. I could hardly help feeling that, if we were to hold our peace, the very stones would cry out. Sir, in all that relates to Liberty and Union, Massachusetts, I am persuaded, is to-day just what she was seventy-five years ago. There is no variableness or shadow of turning in her devotion to the great principles of her revolutionary fathers, nor will she ever, as I believe, be found wanting to any just obligation to her sister States.

Mr. Mayor, the act of the 4th of July, 1776, was an act of revolution. It was an act of organized and systematic resistance to an oppressive and tyrannical government. It was a solemn and stern appeal from the decrees of a foreign despot, to that great original right of self-preservation and self-government which the Declaration so nobly promulgates. Thanks to the courage of our fathers, the appeal was successful, and the yoke of colonial bondage was forever thrown off.

But another and more difficult task was still to be performed by them, without which all their previous toils and trials would have been worse than useless. The work of overthrow, separation, independence, completed, the greater labor of building up a system of government for themselves remained, — a system which should render revolutions forever unnecessary, by establishing law and order on the basis of the popular will constitutionally expressed. That labor, also, was performed. The Constitution was framed, adopted, and organized, and we and our fathers have lived under it for a little more than sixty-two years.

Yes, fellow-citizens, we have reached a marked epoch in the history of our country. You have been reminded that it is just three quarters of a century since our independence was declared. But, if I mistake not, something of a mysterious significance has been attached to the precise age which our Constitution has

now reached. A man in his sixty-third year is said to be at a critical period in his life. It is called his "grand climacteric." If he safely passes over that period, he looks for a long continuance of life and health. And our Federal Constitution has at length reached its *grand climacteric*. And though differences of opinion may exist among us as to the exact amount of danger in which we have been involved, and as to the precise manner in which our controversies have been adjusted, nobody will deny that circumstances have occurred to mark the period through which we are passing, as a more than commonly critical period in our political existence. But, thanks to that Almighty Being who shapes our ends and controls our destinies, the shades which seemed gathering over our pathway are already scattered, the bow is clearly visible upon the clouds, and the sky above us is beginning to be once more radiant with the healing beams of a restored national concord!

Let us not indulge ourselves, however, in any hopes or in any fears, founded only on a superstitious tradition. Human life may have its mysterious periods of safety and of danger, and they may be altogether beyond our control. We know that it has one period, which no prudence can avert and no foresight postpone. We "cannot stay mortality's strong hand." The beloved Chief Magistrate who, this day last year, was engaged in adding another stone to the monument of his illustrious exemplar, was himself the subject of a monument before the expiration of a single week. And the patriotic hands and eloquent voices which are assisting this day in laying the corner-stone of a new Capitol, may have become motionless and mute before that structure shall have reached its completion. One after another, we must all meet "the inexorable hour." But not so with our country. There is no natural term to the life of a nation. It is for the people to say, as they rise up, generation after generation, to the enjoyment of the Institutions which their fathers have founded, whether, by God's blessing, they will transmit them unimpaired to their children.

It is for us to say, whether we will be true to those great elements of Free Government, to those noble principles of Liberty and Law, and to that blessed compact of Union, which our fathers have enshrined in the Constitution of the United States.

If we are but faithful to that great bond and bulwark of our Union, *the Constitution*, critical periods may come and go — there may be grand climacterics and petty crises — stars may rise and set — the great and the good may fall on our right hand and our left — but the Country, the Country, will survive them all, — will survive us all, — and will stand before the world an imperishable monument of the patriotism of the sons, as well as of the wisdom and virtue of their sires.

Let me conclude, then, by offering, as an expression of my best wishes for my country, on its seventy-fifth birthday, the following sentiment: —

“Permanent Peace with other countries; fixed boundaries for our own country; perpetuity to the Union of the States; and a faithful fulfilment of the Constitutional Compact by all who are parties to it.”

## RAILROAD JUBILEE.

A SPEECH DELIVERED AT THE PAVILION ON BOSTON COMMON AT THE  
CELEBRATION OF THE COMPLETION OF THE CANADA AND BOSTON RAIL-  
ROADS, SEPTEMBER 19, 1851.

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[In reply to a complimentary sentiment proposed by the Honorable John P. Bigelow, Mayor of the City.]

I AM deeply sensible, Mr. Mayor, that the honors and compliments of this occasion belong to others. They belong, in the first place, as my friend, Mr. Everett, has just suggested, to the distinguished and illustrious strangers of our own country and of other countries, who have adorned our festival with their presence. And they belong, in the next place, to those of our own fellow-citizens, of whom I see not a few around me, to whose far-seeing sagacity and persevering efforts and personal labors we owe the great works whose completion we celebrate. For myself, Sir, I have no pretension of either sort; but I am all the more grateful for the opportunity you have afforded me of saying a few words, and for the kind and cordial manner in which you have presented me to this assembly. Most heartily do I wish that I could say any thing worthy of such a scene. Most heartily do I wish that I could find expressions and illustrations in any degree commensurate to the vast and varied theme which such an occasion suggests. And still more do I wish that I could find a voice capable of conveying, even to one half of this crowded and countless audience, such poor phrases as I may be able to command. But voice, language, and imagination seem to falter and fail alike, in any attempt to do justice to circumstances like the present.

Mr. Mayor, the very dates which you have selected for your three days' jubilee, would furnish material for a discourse which would occupy far more than all the daylight which is left us. The 17th, 18th, and 19th days of September! How many of the most memorable events in our local, colonial, and national history, are included in this brief period!

It was on one of these days, in the year 1620, that the Pilgrim Fathers of New England took their final departure from the mother country, their last and tearful leave of old England, and entered on that perilous ocean voyage, of more than three months' duration, which terminated at Plymouth Rock!

It was on one of these days, ten years later, in 1630, that the Puritan Fathers of Massachusetts, with one of whom you have done me the honor to associate me, first gave the name of Boston to the few tents and huts and log cabins which then made up our embryo city!

It was on one of these same days, too, in 1787, that the Patriot Fathers of America set their hands and seals, at Philadelphia, to that matchless instrument of government—the *Constitution of the United States*—which has bound this nation together for better or worse—let me not say for better or worse, but for the best and highest interests of our country and of mankind—in one inseparable and ever-blessed Union forever!

Nor, Mr. Mayor, is this eventful period in the calendar without associations and reminiscences of pride and glory, for our brethren whom we have welcomed from over the borders. It was, if I mistake not, on one of these same three September days, in the year 1759, that the proud fortress of Quebec was finally surrendered to the British forces,—surrendered as the result of that memorable conflict on the heights of Abraham, five or six days before, in which the gallant Wolfe had expired in the blaze of his fame, happy (as he said) to have seen his country's arms victorious,—and in which the not less gallant Montcalm had lain down in the dust beside him, happy, too, (as he also said,) not to have seen the downfall of this last strong-hold of the French dominion on the North American continent.

Nor is this a reminiscence, Sir, in which we of New England,

and of Massachusetts particularly, have no part or heritage; for, let it not be forgotten that Massachusetts, during that year, besides furnishing to the British army her prescribed quota of six or seven thousand men to fight the battles of a common Crown, at Louisburg, in Nova Scotia, and elsewhere, actually raised three hundred additional men, at the request of General Wolfe himself, who served as the very pioneers of that seemingly desperate assault upon Quebec. Let it not be forgotten, either, that the Colonial Assembly of Massachusetts testified their admiration of Wolfe, and their sorrow for his loss, by voting a marble monument to his memory.

But all these, I am aware, are but the accidental coincidences of this occasion. We have assembled, not to recall the past, but to rejoice in the present; not to commemorate the early trials and exploits of our fathers, but the mature achievements and proud successes of their sons. We come not to celebrate the triumphs of the forum or the battle-field, but the peaceful victories of science, of invention, and of those mechanic arts, so many of whose noble products, and nobler producers, we have seen in the splendid pageant of the day.

And in whatever aspect we contemplate these great highways of intercommunication, in whose construction and completion we this day exult, we find it difficult to express, and impossible to exaggerate, our sense of their magnitude and importance. It is for others, and upon other occasions, to speak of their influence on our material interests, our commercial prosperity, and our local advantages.

Your own intelligent and accomplished Committee of Arrangements, indeed, have anticipated all that could be said by any one, on any occasion, on this part of the subject. They have prepared a tabular representation, which I am glad to see has been laid upon every plate, which tells in figures less deceptive or equivocal than those of rhetoric, how much has been done in this way for Boston, for Massachusetts, for New England, for the country, for the whole unbounded continent, by the enterprise, industry, capital, and skill of our citizens. Here, too, is a miniature map, which they have furnished us, exhibiting our little Commonwealth, as it really is, covered all over with

railroad lines, as with the countless fibres of a spider's web. They tell us here, Sir, of a hundred and twenty passenger trains, containing no less than twelve thousand persons, shooting into our city, on a single, ordinary, average, summer's day, with a regularity, punctuality, and precision, which make it almost as safe to set our watches by a railroad whistle, as by the Old South clock!

But, Sir, by what figures of rhetoric, or of arithmetic either, shall we measure the influence of those great improvements on our political condition, or on our social relations, domestic or foreign?

Consider them for an instant, in connection with the extent of our own wide-spread Republic. By what other agency than that of railroads could a Representative Government, like ours, be rendered practicable over so vast a territory? The necessary limits of such a Government were justly defined by one of our earliest and wisest statesmen, to be those within which the Representatives of the People could be brought together with regularity and certainty, as often as needful, to transact the public business.

And by which, do you think, Sir, of the old-fashioned modes of transportation or travel — the stage-coach, the pack-saddle, or the long wagon, — or by which, even, of those queer conveyances which his Excellency, the Governor-General of Canada,\* tells us he once shared with my friend, Governor Paine, — could Delegates from California or Utah, or even from some of our less recent and less remote acquisitions, be brought to our sessions of Congress at Washington, and carried back at stated intervals to consult the wishes of their constituents, within any reasonable or reliable time?

Mr. Mayor, in view of this and many other considerations, to which I may not take up further time by alluding, and which, indeed, are too familiar to require any allusion, I feel that it is no exaggeration to say that our Railroad system is an essential part of our Representative system; and that it has exerted an influence, second in importance to no other that can be named, ma-

\* The Earl of Elgin, whose admirable speech on this occasion will be forgotten by no one who heard it.

terial, political, or moral, in binding together, in one indissoluble brotherhood, this vast association of American States. It is hardly too much to add, that it seems to have been Providentially prepared, as the great centripetal enginery, which is destined to overcome and neutralize forever those deplorable centrifugal tendencies, which local differences, and peculiar institutions, and sectional controversies have too often engendered.

The President of the United States, in his admirable reply to your own most appropriate address, Sir, welcoming him within the lines of Boston, reminded us that his illustrious predecessor, Washington, occupied eleven days in travelling by express from Philadelphia to the neighboring city of Cambridge, in one of the most critical emergencies of our local history. Let me remind you, also, of a similar experience in the journeyings of another of his predecessors. In the recently-published diary of our own John Adams, will be found the following entry, dated at Middletown, Connecticut, on the 8th day of June, 1771:

“Looking into the almanac, I am startled. Supreme Court at Ipswich the 18th day of June; I thought it a week later, 25th; so that I have only next week to go home, one hundred and fifty miles. I must improve every moment. It is twenty-five miles a day, if I ride every day next week.”

John Adams startled, — and, let me say, he was not of a complexion to be very easily startled at any thing, — at having only a week for going a hundred and fifty miles! Startled at the idea of being obliged to go twenty-five miles a day every day for a week! While here, but a moment since, was his illustrious successor, who, having already travelled nearly five hundred miles in twenty-four hours, and having spent three or four days in Newport and Boston, which we hope have been as delightful to him as they have been to us, is now on his way back, and is about to reach Washington again, before the week in which he left there is fairly at an end!

And here, Mr. Mayor, I turn, in conclusion, to what to-day, at least, in the minds and hearts of us all, is the great charm of this modern miracle of rapid intercommunication. It is that it enables us to see, to know, and to enjoy personal intercourse with the great, the good, the distinguished, the admired, of our own



land and of other lands. We can take them by the hand, we can see their faces, we can hear their voices, and we can form ties of mutual respect and regard, which neither time nor distance may afterwards sever.

There have been those here to-day whom none of you will soon forget; and there is at least one of them to whom I had particularly proposed to myself the pleasure of alluding. I refer to the Secretary of the Interior, the Honorable Alexander Stuart, a noble son of old Virginia, with whom, in other years, I have been associated in Congress, and whom I am always proud to call my friend. He has already taken his leave of us, Sir; but I am sure we all desire to follow him with our good wishes, and to assure him, that though out of sight he is not out of mind.

But let me congratulate the company that we have another Alexander Stewart still left at the table — a distinguished son of Nova Scotia — an eminent citizen of Halifax — a high functionary of the Provincial Government — whom it has been my good fortune to have at my side during the last hour, and who is every way entitled to our highest consideration and respect. With a view of introducing him to the company, I propose, as a sentiment, —

“Prosperity to Nova Scotia and the City of Halifax, and the health of our distinguished guest, the Honorable Alexander Stewart, the Master of the Rolls.”

## AGRICULTURE.

A SPEECH DELIVERED AT THE DINNER OF THE MIDDLESEX AGRICULTURAL SOCIETY, AT LOWELL, OCTOBER 24, 1851.

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[In reply to a complimentary toast by the President of the Society, the Honorable E. B. Hoar.]

I AM greatly obliged, Mr. President, by the friendly manner in which you have presented my name to the company, and greatly honored by the cordial reception they have given to it. I have come here, as you know, at the invitation of the Middlesex Agricultural Society, most kindly communicated by yourself, as their President, to witness their cattle show and ploughing match, and to listen to the lessons of experience and the words of exhortation which might be addressed to them by my excellent and able friend, Mr. Child.

Let me add, that as one of the Trustees of the Massachusetts Agricultural Society, and one of its delegates to the State Agricultural Board, I hardly felt at liberty to neglect such an opportunity of observing the progress of agricultural improvement in this good old County of Middlesex; a County which abounds alike in the memorials of a glorious past, and in the evidence of a prosperous present; whose soil is enriched with the best blood of the fathers, and adorned with the noblest institutions of their sons; and which, in the person and example of its own Prescott, leading on his patriot band at Bunker Hill in a farmer's frock, gave a pledge and an earnest, that no degree of devotion to agricultural pursuits, or to any other material interests, would ever interfere with the readiness and the resolution of its citizens, to do their full share in maintaining and vindicating the rights and liberties of their country.

I need not assure you, Mr. President, that I have been greatly gratified and delighted by all that I have seen, and all that I have heard, here to-day. I only wish that it were in my power to contribute any thing, in return, to the instruction, or even to the entertainment, of this assembly. But "silver and gold have I none." I have no rich crops to tell you of, no fat cattle to describe, no new theories of the potato rot to propose; and the most that I can do, is to express, in a few unpretending words, the deep interest which I cannot fail to feel, as a humble member of the community, in whatever relates to the improved cultivation of the soil, and still more to the improved condition of all who are concerned in it.

It would be quite superfluous, Sir, for me, or for any one, to say a syllable, on such an occasion as this, as to the importance of agricultural pursuits. It is enough for us all to remember, as I am sure we all have remembered while we have partaken of this substantial repast, that it is agriculture, which supplies the table at which the whole human family are fed; that it is agriculture, which is the appointed minister, the chosen handmaid, of our Heavenly Parent, in His gracious response to our morning prayer, that He will "give us this day our daily bread."

And even more superfluous would it be to speak of agriculture as an honorable occupation, and one worthy the attention and pursuit of the most intelligent and enlightened among us. To say nothing of other countries, or of other ages, or of other men, what higher testimony could be borne to the honorable character of any human occupation, than to say that it was the favorite occupation of Washington,—the pursuit which he exchanged with regret even for the highest honors of the Republic, and to which he returned with eagerness at the earliest moment of his retirement from public service. Washington, Sir, is known to us by many titles—as the General of our armies, the President of our Republic, the Saviour of his country—and there is really no title too good, or even good enough, to bear his name company. But there is none under which that name will be longer remembered, or more gratefully cherished by posterity, none with which he himself would have been more proud to have it associated, than that of the Farmer of Mount Vernon.

But, Mr. President, I am not here to flatter the farmers. And if I desired to do so, it would be rather a dangerous experiment at a moment when we are within ear-shot of so many of our fellow-citizens who are engaged in other pursuits. I shall not say to them, as the old Roman poet said, that, when Justice winged its flight from the earth, it made its latest abode, and left its last traces, among the homes and in the hearts of the husbandmen. For, I cannot forget, that that noble Association of Massachusetts mechanics, for which my friend, Mr. Lincoln, has just responded, and of which I enjoy the cherished distinction of being an honorary member, adopted long ago for its motto "Be just and fear not;" and I believe there is no body of men in the land, who more scrupulously "reck their own rede," and practise according to their own precepts.

Nor shall I tell the farmers, as they have been told from high quarters, in more recent days, that they are the "best part of the population;" for I know they would scorn any compliment which should be paid them at the expense of their brethren in other pursuits. It is enough for us all to admit that there is no better part of the population, unless, indeed, it be their own wives and daughters, as represented in yonder group, whose privilege is always to be styled, "the better part of creation." There are none better entitled, certainly, to the respect and confidence of the community, or to the protecting and fostering care of the government of the country. And let me add, Sir, that if the farmers do not receive their full share of this governmental care and protection, it is their own fault; for though our friend, Mr. Child, has clearly proved to us that they do not constitute the most numerous class in our own State, they are unquestionably in a great majority in the country at large, and can have their own way, whenever they see fit to assert their power and vindicate their rights.

Mr. President, I would gladly have said a more serious word, before taking my seat, in reference to the importance of some provision being made, either by the liberality of individuals, or under the patronage of the State, for the promotion of agricultural education, and the diffusion of agricultural science. But the sound of the car-bell is already in my ears, reminding me

that in a few minutes more I must be on my way to Boston. You have your own engagements, too, the distribution of prizes, the election of officers, and other interesting and important duties, with which I would be the last to interfere. I cannot conclude, however, without adverting more particularly to the fact that this is not a mere agricultural occasion.

There is something of peculiar and most agreeable significance both in the title of your Association, and in the time, place, and circumstances of your festival. You are a society of Husbandmen and Manufacturers, and you have chosen as the scene of your cattle-show the very site and seat of our largest and most numerous manufacturing establishments; while the Mechanic Association of the county has prepared a beautiful exhibition, crowded with every variety of curious machine and ingenious implement and exquisite fabric, and is uniting with you in all your arrangements and festivities. Horticulture, too, has lent its choicest fruits and its richest garlands to the occasion. And, above all, a good Providence has shed the selectest influences on the hour, by favoring us so unexpectedly with a day of such unsurpassed loveliness and brilliancy.

The whole occasion, Sir, furnishes a striking and beautiful testimony, on the part of those who understand the matter best, to the union and harmony of interests, which ought to exist, and which do exist, among all the different branches of human labor. It furnishes a noble refutation and rebuke to the idea, too often propagated for mischievous purposes, that there is an antagonism of interest or of feeling between the agricultural and manufacturing population of the country, and especially between the farmers and mechanics of our own State. It declares, in a voice not to be misinterpreted, that the interests of labor are one and the same, in whatever departments it is employed; and that the industrial classes, instead of thriving at each other's expense, find their highest interest and advantage in each other's prosperity. The greatest division of labor — the greatest union among laborers — this is the lesson of the scene before us, and I hope it will not soon be forgotten. It cannot be forgotten, Sir, by the farmers at least, while the mechanic arts are providing such implements for agriculture, as those to which you have already

alluded, — the Massachusetts Plough and the Virginia Reaper, which have recently carried off the prizes at the World's Fair, and given new celebrity to American invention and Yankee skill; and which, let me add, are remembered by us not the less gratefully to-day, as having associated in the triumphs of modern art, those two ancient Commonwealths, which were so closely and so gloriously associated in the early struggles of American Independence. Nor will agriculture forget its indebtedness to invention and the mechanic arts, while it is in the enjoyment of those noble highways of intercommunication whose completion we have just celebrated, and which have brought the markets of Canada home to our very doors. Why, I have heard, Sir, within a few hours past, that since the opening of these roads, during the last week, one of your Middlesex farmers has found a ready sale for thirty or forty bushels of fresh peaches in the city of Montreal!

But, Mr. President, I am admonished that these railroads are like the wind and tide in at least one respect — “they wait for no man,” — and I hasten to secure my own passage, as well as to relieve your patience, by proposing as a sentiment, as I most cordially do, —

“Success to the Farmers, Manufacturers, and Mechanics of Middlesex, and may they ever continue to cherish and cultivate those feelings of mutual respect and fraternal regard, which have united them to-day in a common and brilliant Festival.”

## THE MECHANIC ARTS.

A SPEECH DELIVERED AT THE FESTIVAL OF THE MASSACHUSETTS CHARITABLE MECHANIC ASSOCIATION, IN FANEUIL HALL, ON WEDNESDAY EVENING, OCTOBER 1, 1851.

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[In reply to a complimentary call from George G. Smith, Esq., the Chief Marshal of the occasion.]

I COULD have wished, Mr. Chief Marshal, that your worthy Vice-President, whose privilege it is to preside over the neighboring Observatory, as well as over this Association to-night, and who has so long been a living Bond \* between science and art, might have brought some star of larger magnitude than myself within the range of his glass at this moment, and have allowed me to remain still longer unobserved. But we all know that there is no escape from his telescope, and I willingly yield myself to his summons, as kindly announced by yourself.

I thank you most heartily, ladies and gentlemen, for this friendly reception. I thank you still more for the opportunity of enjoying this most agreeable occasion. I have often, in other years, attended your festivals as a guest, and always with renewed gratification. But you must pardon me, if I cannot consent to be considered as a mere guest this evening; for, since you have accorded me the distinction of being enrolled among your honorary members, I feel emboldened to assert my privileges as a brother. A most unworthy and unprofitable brother, I do confess, and little better than a drone in your industrial hive; but one, who is all the more deeply grateful for your liberality, in allowing him to come in for a share of your honey, and especially in admitting him to-night to join with you in doing homage to your Queen Bees.

\* Mr. Bond, the Cambridge Astronomer, the Vice-President of the Association, occupied the Chair.

And never was there a moment, Mr. President, in the history of mankind, when any one might be more justly proud to find his name on the rolls of a Mechanic Association. Never, certainly, was there a year when the inventors and artisans of the world could hold up their heads with a loftier consciousness of their importance to their fellow-men, than they may in this year of our Lord, 1851. Wherever we turn, at home or abroad, we see the strong hand of the mechanic, aided and guided by science, impressing itself upon the condition of society, and giving form and character to the age in which we live. As it was in the procession of the late Railroad Jubilee here in our own streets, to which the Mayor has so happily alluded, — so is it everywhere in the great procession of human events, as we see it passing along over the highways of human existence, and on the stage of daily life; — the emblems of the trades, the insignia of the arts, the triumphal banners of mechanic labor and invention, are the chief features of the scene, and furnish its most striking and attractive ornaments.

The highest praise has been awarded from all quarters to Prince Albert, of Old England, for proposing and patronizing the noble scheme, which has been so successfully and brilliantly carried out, of an exhibition of the industry of the world, and there is no one here who would detract one jot or tittle from the credit which belongs to him. But, after all, Sir, he has only recognized the grand fact of the times. He has only made a seasonable and just acknowledgment of that which could no longer be denied. The Crystal Palace, (as was truly said by the Earl of Carlisle, so well and so favorably known to us all as Lord Morpeth,) is only “the formal recognition of the dignity and value of labor.” But that dignity and that value existed, whether they were formally recognized or not. They did not wait for the breath of princes to call them into being, nor require a World’s Fair for their blazonry. They were created by no royal patent, and made manifest by no crystal palace. By the strength of millions of stout arms, by the energy of millions of intelligent minds, and by the countless products which industry, invention, science, and skill, have brought to the advancement of civilization and the improvement of society, they have forced them-



selves upon the attention, the acknowledgment, and the admiration of the world. They have asserted their own title, and made their own way, to the recognition and respect of mankind.

Sir, I am not about to detain this brilliant assembly from the pleasures which await them, by any detailed remarks about the World's Fair, or about our own particular section of it. You have heard already, to your hearts' content, of Stevens's Yacht, and Colt's Revolver, and Maynard's Primer, and Palmer's Wooden Leg, and Prouty's Plough, and McCormick's Reaper,—which may literally be said to have made the farmers of Old England “acknowledge the corn,”—and of that marvellous lock of our own Boston Hobbs, who seems to have settled the point, that if Love ever laughs at locksmiths again, it will not be at Yankee locksmiths. You have all heard, too, of that frank admission of the London Times, “that every practical success of the season belongs to the Americans.” We may well be content with such compliments from such sources. We need have no fear after this, that “those who live in glass houses will throw stones” again in this direction. We can afford to adopt the language of the wise man, “let another praise thee, and not thine own mouth; a stranger, and not thine own lips.”

We can afford to do more, Mr. President; we can afford to acknowledge our own deficiencies. We can afford to admit, as, indeed, we cannot help admitting, that notwithstanding so many notable successes and triumphs in these practical machines and implements of industry, our manufactures and our mechanic arts are still greatly inferior to those of the old world, both in the quantity and quality of great varieties of products. And how could it be otherwise? Why, Sir, for young republican America to have gone out to a contest with the old world, in the arts which depend on long experience, consummate skill, and accumulated capital, and which have required royal courts and princely establishments for their existence and patronage elsewhere, would have been simply ridiculous. For her to have come off victorious in such a contest, would have equalled the triumph of the stripling of Israel, with his sling and his stone, over the giant of Gath, with the staff of his spear like a weaver's beam. It would have been more than human.

But let me ask, Sir, who of us is sorry that we are behind, far behind, the old world in articles of mere taste and ornament? Who does not rejoice that we cannot vie with Europe and Asia in arts that minister only to the lust of the eye, and the pride of life? Who is in haste to see the day, when the tissues and tapestries, the jewels and porcelain of India or of France, shall be native to our own land? Who, on the contrary, does not desire that such a consummation may be postponed, until that double problem shall be solved, of which the history of mankind as yet affords no solution,—first, how these sumptuous and gorgeous decorations of the rich can be fabricated, without the degradation and debasement of the poor; and second, how the morality and purity, which are the very vital air of republican liberty, can withstand the fascinations and blandishments of a corrupting and cankering luxury.

And this leads me to say, Mr. President, in a single concluding sentence, that there is at least one element wanting in that great exhibition, for the purposes of any just comparison between our own and other countries. We see there the products; but we do not see the producers. We see there the fabrics; but we do not see the hands which made them. Sir, if it had been possible to exhibit in any tangible shape, or by any personal representation, the real condition of the artisans and mechanics of the world; if the makers of every article could have been seen standing by their work, with their ordinary dress on their back, with their ordinary food at their side, and with all the advantages or disadvantages of their relative condition fully developed and displayed,—their intelligence, their education, their wages, the amount of individual comfort, independence, and happiness they enjoy,—the whole moral, social, and political position which they occupy,—what contrasts would not have been witnessed! If this very hall, with all that it now contains, could be wafted over the waters by a wish, on some magic carpet, like that described in one of the tales of the Arabian Nights,—if it could be set down safely in that much-talked-of “vacant space” in the American section of the Crystal Palace,—and if your excellent President,\* now there, could be on the spot to meet you

\* Jonas Chickering, Esq.

as you alight, and to say to the assembled throng of visitors :  
“ Here are the American mechanics—here are the men who  
build our ships, our houses, our bridges, and our railroads—who  
make our iron ware, and tin ware, and brass ware, and wooden  
ware, and who construct those wonderful machines and invent  
those curious implements to which you have given your prizes—  
and here, too, are their wives and daughters;—behold them,  
and compare them with your own,”—would they not all feel  
that it was something better than a vainglorious boast for us  
to exclaim,—

“ Man is the nobler plant our realm supplies,  
And souls are ripened in these northern skies ! ”

## AGRICULTURAL EDUCATION.

A SPEECH DELIVERED AT THE DINNER OF THE HAMPSHIRE, HAMPDEN,  
AND FRANKLIN AGRICULTURAL SOCIETY, AT NORTHAMPTON, OCTOBER  
9, 1851.

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[In reply to a complimentary toast proposed by W. O. Gorham, Esq., the Secretary of the Society.]

I NEED not assure you, Mr. President, how deeply I am indebted to your eloquent Secretary, for so kind and complimentary an introduction to the yeomanry of old Hampshire. I am not—at least, I hope I am not—altogether a stranger to them. I have visited their lovely valley, and climbed their beautiful hillsides, in other years. I have made the personal acquaintance of many of them, on other occasions and amid other scenes. With not a few of them, as you well remember, I was associated long ago in the Legislature of our own Commonwealth. With more than one of them I have been more recently and more closely connected in the councils of the nation. Wherever I have met them, I have found them true men, trusty counsellors, patriotic citizens, faithful and cherished friends. I rejoice to recognize so many of them before me at this moment, and to have such an opportunity of renewing the assurances of our mutual regard and respect. I rejoice to see them on their own ground, in the midst of their fellow-citizens, with their wives and daughters by their side, and surrounded by so many evidences, both of immediate enjoyment, and of permanent prosperity and happiness.

Sir, it has been my fortune to be born and bred in a city; and I am not insensible to the advantages which are to be found in the varied institutions, in the compact neighborhoods, and in

the general-movement and activity of a large and wealthy metropolis. I never, certainly, can find it in my heart to regret my relations to Boston. I am bound to her by a thousand ties of old association, of present interest, and of personal obligation. But never yet have I found myself on the hills or the plains which lie along the courses of your charming river, without feeling that your lot, above that of almost all other Massachusetts men, has been cast in pleasant places, and that you have, indeed, a goodly heritage.

Certainly, Sir, if there be a spot on our not over-fertile New England soil, if there be a spot beneath our not always clement New England sky, on which a man may find a more than ordinary security for the enjoyment of health and happiness, of competency and comfort, of contentment and independence, of vigor of body and vigor of mind, it must be somewhere along these verdant meadows, or upon these sunny slopes of the Connecticut; it must be somewhere among these "banks and braes of your Bonnie Doon." And, let me add, if there be a spot beneath the sun, where virtue, and piety, and integrity, and patriotism, have already found some of their brightest examples and purest models, it is here, amid the homes of your Stoddards and Edwardses, your Williamses, and Hawleys, and Stronges.

But, Mr. President and Gentlemen, you are not here to listen to empty compliments to the beauties of your scenery, the advantages of your condition, or the character of your distinguished men, dead or living. This is a farmers' festival; and having gone through with the exhibitions and competitions of the day, you have come together for a friendly interchange of opinions, and a frank comparison of views, on the great subject of agriculture. And a great subject it certainly is, and one worthy of the most careful examination and study of our ablest and most enlightened minds. Nay, Sir, it demands such examination and study, and it must have them, unless we are willing that our posterity shall reap the bitter fruits of our ignorance and neglect, and shall have nothing else to reap.

For myself, I have little pretension, I am conscious — no man here has less — to give advice, or pronounce an opinion, upon any question pertaining to the practical cultivation of the soil.

If I were called upon, at this moment, certainly, to put my hand to the plough, I am sensible that I should stand greatly in need of Prouty's No. 40, which has recently obtained the premium at the World's Fair, and which the Chairman of one of your Committees has described to us, this morning, as being made "to go alone." But I have been deeply impressed with some of the views which have been presented on this occasion, and on other occasions, by the experienced and scientific gentleman\* who has addressed us at the church this morning, and I cannot forbear giving utterance to one or two of those impressions, in a few plain and unpretending remarks.

No one, I am sure, who examined the Agricultural Report, which was issued from the Patent Office at Washington, last year, could fail to have been struck with the suggestions it contained in regard to the gradual deterioration and impoverishment of the American soil. No one can have forgotten the idea, so forcibly presented by the author of that Report, — that, for want of more system and more science in the cultivation of our lands, we are rapidly exhausting the soil of its productive qualities, and are in danger of leaving it to those who come after us, destitute of all those ingredients and elements upon which they must rely for bread.

I fear, Sir, that we have all been too long accustomed to think of the soil we cultivate, as an imperishable and indestructible thing. And it is true, that by no acts and by no omissions of ours can we annihilate the solid ground beneath our feet, or remove from its strong foundations the sure and firm-set earth which we inhabit. It is true that the same hills and valleys, the same mountains and plains, which are before us and around us now, will remain fixed and steadfast long after we are buried in their dust, and will be trodden by generation after generation of our successors. But it is not less true, that the productive elements of the soil are as perishable as the plants and fruits to which they give life and nourishment. It is not less true, that the fertilizing ingredients of the earth stand as much in need of renewal as the seeds of our annual harvests; and that unless we pay back to the ground, seasonably and punctually, the full

\* Dr. Daniel Lee, of the United States Patent Office.

amount that we draw from it, there will be a fearful accumulation of arrears to be settled by our posterity.

Our neglect cannot, indeed, change the substantial forms of nature. We cannot dissolve the Sugar-Loaf. We cannot shake Mount Tom and Mount Holyoke from their rocky thrones, and remove them into the sea or the river. But we can destroy their verdure and strip them of their foliage. We can make their glorious beauty a fading flower, and leave them, and the valleys below them, so exhausted of their natural elements of production and fertility, that when our children go to them for bread, they shall only find a stone.

Why, Mr. President, it has been estimated by your able orator, that it would require, in round numbers, not less than a thousand millions of dollars, judiciously expended, to restore to that richness of mould and strength of fertility which they originally possessed, the one hundred millions of acres of land in this country, which have already been partially exhausted! And how can we ever speak of our farms as being free from mortgage, or our country from a national debt, while such a state of things exists, and is going on!

Sir, if there be truth, or any approximation to truth, in this calculation, how vastly important has it not become, that our agriculture should henceforth be conducted on more scientific and systematic principles! How vastly important has it not become, as an act of sheer justice to our children and our children's children, and lest they should rise up in judgment against us, as having robbed them of their rightful inheritance, that the practical farmers of our land should be instructed, should instruct themselves, should in some way or other become informed, as to the true nature of the soil they cultivate, and should learn by what processes and appliances, by what manures and fertilizers, it may be kept in a condition — not merely for furnishing food for themselves — but for supporting that long succession of generations which, we hope and believe, are destined, by God's blessing, to maintain for a thousand years to come, a populous, and prosperous, and glorious Commonwealth, on the very spot on which it was first founded by our fathers.

"Plant for posterity," was the saying of the old Roman phi-

losopher and patriot, when he was setting out trees at eighty years of age. And there is something delightful in the idea of our children sporting in their childhood, and reposing in their old age, beneath the spreading branches which our hands have reared for them. But "manure for posterity" may well be the more homely, but far more important maxim of the provident and patriotic farmers of the present day. In feeding your children, take care that you are not starving your grandchildren. Let every landlord, every proprietor of acres, remember and realize, that though the fee-simple of his farm is in himself, and though no court of law or court of equity can sustain an action against him for strip or waste, he yet holds the soil in strict moral trust, and is accountable in the eyes of men, and at the bar of God, for the degree of fertility or barrenness which he may bequeath to his descendants.

And most especially, Mr. President, is such a sense of obligation and responsibility needed in our own Commonwealth. In other and newer and larger States, there may be less immediate call for such precautions. They have a richer original soil to draw upon, and much of it is still a virgin soil. They have a greater extent of territory to expatiate in and experiment upon. They may go on cropping from acre to acre, like bees from flower to flower. If they exhaust their farms to-day, to-morrow they may repair "to fresh fields and pastures new." One may almost apply to them the language of one of those charming melodies of Moore's, so familiar, I doubt not, to many of my fair hearers —

"They may roam thro' this world, like a child at a feast,  
Who but sips of a sweet, and then flies to the rest;  
And when pleasure begins to grow dull in the East,  
They may order their wings and be off to the West."

But we have no such ample territory or luxuriant soil. We are one of the oldest, and one of the smallest States in the Union. Our lands are limited in extent, and more limited in fertility. Poor at the outset, they have been long under the plough. And unless intelligence and science shall do something, and something seasonable and effective, to supply the deficiencies of nature, and arrest the progress of exhaustion, we shall leave little



but desolation and destitution to our descendants, so far, at least, as our own agriculture is concerned.

Our commerce may continue to extend itself, and to spread its wings over every sea; our manufactures and mechanic arts may flourish and thrive; our population may have bread enough and to spare — purchased in exchange for the profits of other pursuits. But if we mean to retain within our borders a prosperous and numerous agricultural class, an intelligent, independent, and virtuous rural population —

“A bold yeomanry, their country's pride,  
Which once destroyed, can never be supplied,”

(and Heaven forbid that we should ever be without one!) we must take good care to hand down our soil as well as our institutions — to transmit our lands as well as our liberties — unimpaired to posterity.

It is in view of considerations like these, Mr. President, that I rejoice to observe that the attention of our Legislature, and of our people, has recently been awakened to the subject of agricultural education. We have already a noble system of public schools, of which the farmers enjoy their full share of the advantages, and which is amply adequate to the primary preparation of our children for all the various professions and pursuits of life. Forever blessed be the memory of our Fathers for this inestimable legacy!

Other nations may boast of their magnificent gems and monster diamonds. Our Kohinoor is our Common School System. This is our “Mountain of Light,” — not snatched, indeed, as a prize from a barbarous foe, nor destined to deck a royal brow, or to irradiate a Crystal Palace; but whose pure and penetrating ray illumines every brow, and enlightens every mind, and cheers every heart and every hearthstone in the land, and which supplies, from its exhaustless mines, “ornaments of grace unto the head, and chains upon the neck,” of every son and daughter of Massachusetts!

But while we cherish our common schools, as now established, as our proudest and richest heritage, it cannot be doubted that our young farmers may be, and should be, provided, in some

other and supplementary way, with the opportunity of acquiring knowledge and science more immediately pertaining to their particular sphere of labor; though whether this is to be done by independent agricultural schools and colleges, like those existing in many parts of Europe, and recently described to us by your own accomplished Hitchcock, or by ingrafting a system of agricultural education upon the schools and colleges which we already have, it is for those wiser than myself to decide.

Mr. President, I may not pursue this topic further. I may not trespass longer on the attention of this most intelligent and agreeable company. I said, in rising to address you, that I was glad to meet here to-day, so many of my old friends of the River Counties. I cannot forget, in concluding, that there are some of them whom I do not meet, and whom I shall meet no more on earth. There are two of them especially, whose familiar forms have presented themselves to my mind's eye more than once on this occasion, and whose memories, in all our hearts, are as green as the sod which covers them.

The one, in the prime of life, with the purple light of youth still lingering upon his cheek, "the expectancy and rose of the fair State," who left no superior at the bar of his own County, and who would have found few equals in the halls of Congress, to which he had been summoned. The other, on the verge of old age, but whose eye was not yet dimmed, nor his natural strength abated, whose cordial grasp and sunny smile will never be forgotten by those who have shared them, and whose hoary locks, so long the ornament of the Senate Chamber, only lent a deeper impressiveness to the words of sober wisdom and of ardent patriotism, to which he so often and so eloquently gave utterance.

Allow me, in taking my seat, to propose to you, —

The memory of JAMES C. ALVORD, and of ISAAC C. BATES.

## MASSACHUSETTS IN 1775.

A SPEECH DELIVERED AT THE CELEBRATION OF THE COMPLETION OF A MONUMENT, — ERECTED BY ORDER OF THE LEGISLATURE OF MASSACHUSETTS, TO ISAAC DAVIS, ABNER HOSMER, AND JAMES HAYWARD, AT ACTON, OCTOBER 29, 1851.

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[In reply to a complimentary call from the President of the day, Rev. James T. Woodbury.]

I COULD have wished, Mr. President, that this call might have been postponed to a later period of the festival, or that, at least, I might have been spared from attempting to speak, until the clatter of plates within, and the noise of drums without, had in some measure subsided. But I suppose that one who has just looked on the bones of Isaac Davis, must not permit himself to shrink from any service which may be assigned him. And indeed, Sir, I am deeply indebted to your Committee of Arrangements for the privilege of being present at all on this occasion, and for the opportunity they have afforded me of witnessing the impressive ceremonies of this morning, and of listening to the instructive and eloquent address of His Excellency the Governor.

Sir, we have had many celebrations and jubilees of late in this part of the country, and it has been my fortune to be present at not a few of them. But, though comparisons are sometimes odious, I can safely and sincerely say that there has been none, none among them all, which has seemed to me so peculiarly congenial to the spirit of our republican institutions, so eminently characteristic of the American people and of American principles, as that in which we are now engaged.

We are here, Mr. President, for what? Not to inaugurate the opening of some magnificent highway of internal communication. Not to display the rich trophies of agricultural or horticultural industry and skill. Not to celebrate the almost miraculous triumphs of modern mechanic art and invention. Not to offer the homage of our hearts, or the hospitalities of our homes, to some popular Chief Magistrate of our own Republic, or of a neighboring Colony. No, Sir; no. All these things have been attended to elsewhere. In the crowded cities, in the larger towns, they have been done, and well done. And it was fit they should be done; and many of them have been attended with a more costly ceremonial, with a more gorgeous pageant, with more of outside pomp and circumstance, than have been witnessed on this occasion.

But these are not the objects which have broken the ordinary stillness of this quiet, rural neighborhood. These are not the objects which have summoned to this retired spot such masses of the people of Middlesex, and of Massachusetts generally, in all their various capacities of magistrate, and citizen, and citizen-soldier, and which have engaged and engrossed all our minds and all our hearts to-day. Not for the present, not for the living, not for those who are, or ever have been, high in place, exalted in rank, powerful in influence, have these memorials been prepared, and these libations poured out. We have assembled, on the contrary, to pay a grateful, though a tardy tribute, to the memory of three humble citizens of one of the smallest towns in the State, two of them privates in a militia company, and the third with no higher title than that of a captain, whose simple story is that they laid down their lives, seventy-six years ago, in defence of American Liberty.

I need not say, Sir, that such an example of rendering honor to the memory of the humblest officers and the common soldiers of our Revolutionary Militia, is in beautiful harmony with the spirit of republican equality which pervades our institutions, and is better calculated than all the bounties and *bonuses* and land scrip, which can be voted by the most liberal or the most prodigal Congress, to raise up defenders for those institutions,—where alone they must be looked for in time of need,—among the

rank and file of the people. It gives an assurance which will not be forgotten, that, however it may be in the country churchyards of the old world, the "village Hampdens" and village Heroes of our own land will never want a stone to mark their grave, or an inscription to tell the tale of their prowess and their patriotism.

But it would be quite unjust, Mr. President, to limit the intention of this occasion to the precise object which has given rise to it. It has a larger and more comprehensive scope. We are here to commemorate, and to commend afresh to the admiration and imitation of our children, the patriotism and valor and self-devotion of the whole people of Massachusetts in 1775 — of all her citizens and of all her soldiers — militia-men, minute-men, and volunteers — as exemplified and illustrated on the 19th of April, in the persons of three of their number, to whom so early and so glorious a crown of martyrdom was assigned.

Let me not seem to disparage the individual heroism of Isaac Davis, Abner Hosmer, and James Hayward. Their names are upon yonder granite; they are upon the scroll of history; they are uppermost to-day upon the tablets of all our hearts. Few instances could be selected from the whole range of our Revolutionary records, of greater bravery and daring than those of these three noble men of Acton. But let us not forget the full force and import of that memorable exclamation of the gallant Davis himself, — "I have n't a man that's afraid to go." Sir, that was a generous and a just exclamation. It was true, not only of his own Acton Company, which led the way so gallantly down to the old North Bridge, but it was true of the great mass of the common soldiers and of the common people of the State, whether in town or country, in cities or in villages. Everywhere, in every county and district alike, throughout the whole length and breadth of the State, there was found the same resolute determination to resist the tyranny of the mother country, even unto death.

There were different manifestations of this spirit in different localities, and different individuals enjoyed different opportunities of displaying it. In Boston, it exhibited itself in words and deeds of defiance towards Commissioners of Stamps and Com-

missioners of Customs, towards royal Governors and a hireling garrison. There was Faneuil Hall. There was the Old South. There was the Green Dragon. There was the Liberty Tree. There was the Tea Party. There were Otis, and Quincy, and Hancock, and Adams. There American Liberty was born and cradled.

In Salem, it displayed itself in the brave, though bloodless resistance, offered to Colonel Leslie and the British troops, by Colonel Pickering and the minute-men of that region, on that memorable Sabbath afternoon, February 26, 1775;— a resistance which almost made the North Bridge of Essex as famous in our annals, as the North Bridge of Middlesex. There, as was said by the British journals at the time, the Americans first “hoisted the standard of Liberty.”

In Lexington and Concord, it manifested itself on the 19th day of April, in a sterner form and in less doubtful colors. There the first blood was shed.

At Bunker Hill, on the 17th of June, it assumed a still sterner and fiercer front. There was the first challenge, the first defiance, the first intrenchment, the first general engagement with the British forces. There Prescott and Putnam fought, and Warren fell.

And, lastly, at Dorchester Heights, on the 17th of March, 1776, it presented itself in the more welcome shape of a vigorous and masterly movement, which settled the question of Liberty once and for all, so far as Massachusetts soil was concerned, and made it free soil forever! There was the first success of Washington and the American cause, under the Union Flag.

Thus, Mr. President, in all these different localities of the Old Bay State, something was done first; the first word, the first blow, the first blood, the first redoubt, the first triumph. Each vied with the other in acts of heroism. Deep called unto deep, valley responded to valley, plain to plain, hill-top to hill-top. There were diversities of operations, but the same spirit; the same calm, deliberate, fearless, unchangeable, and unconquerable spirit, of which the Acton Martyrs furnished so noble a type. In 1805, I think, Nelson's last signal at Trafalgar was, “England expects every man to do his duty.” But thirty years before that,

in New England, every man did his duty. On that day, Massachusetts, certainly, might have said of her citizen soldiers, what your own Davis said of his company,—“I have n't a man that's afraid to go.” No, nor a woman, nor a child; for the spirit of Liberty pervaded all ages and sexes, and the patriot mothers of Massachusetts were alternately occupied in furnishing food and clothing for their husbands in the field, and in educating their children at home to a hatred of tyranny and oppression, and to an admiration of those who fought and bled in resisting it.

Let me illustrate this idea, Mr. President, by relating to you one of the most interesting personal incidents which I can look back upon, in the course of a ten years' service in Congress. It was an interview which I had with our late venerated fellow-citizen, John Quincy Adams, about five or six years ago. It was on the floor of the Capitol, not far from the spot where he soon afterwards fell. The House had adjourned one day, somewhat suddenly and at an early hour, and it happened that after all the other members had left the hall, Mr. Adams and myself were left alone in our seats engaged in our private correspondence. Presently the messengers came in, rather unceremoniously, to clean up the hall, and began to wield that inexorable implement, which is so often the plague of men, both under public and private roofs. Disturbed by the noise and dust, I observed Mr. Adams approaching me with an unfolded letter in his hands. “Do you know John Joseph Gurney?” said he. “I know him well, Sir, by reputation; but I did not have the pleasure of meeting him personally when he was in America.” “Well, he has been writing me a letter, and I have been writing him an answer. He has been calling me to account for my course on the Oregon question; and taking me to task for what he calls my belligerent spirit and warlike tone towards England. And I should like to read you what I have written in reply.”

And then “the old man eloquent” proceeded to read to me, so far as it was finished, one of the most interesting letters I ever read or heard in my life. It was a letter of autobiography, in which he described his parentage and early life, and in which he particularly alluded to the sources from which he derived his jealousy of Great Britain, and his readiness to resist her, even

unto blood, whenever he thought that she was encroaching on American rights. He said that he was old enough in 1775, to understand what his father was about in those days, and he described the lessons which his mother taught him, during his father's absence in attending the Congress of Independence. Every day, he said, after saying his prayers to God, he was required to repeat those exquisite stanzas of Collins, which he had carefully transcribed in his letter, and which he recited to me with an expression and an energy which I shall never forget, — the tears coursing down his cheeks, and his voice, every now and then, choked with emotion: —

"How sleep the brave, who sink to rest,  
By all their country's wishes blest !  
When Spring, with dewy fingers cold,  
Returns to deck their hallow'd mould,  
She there shall dress a sweeter sod,  
Than Fancy's feet have ever trod.

By Fairy hands their knell is rung,  
By forms unseen their dirge is sung ;  
There Honor comes, a pilgrim gray,  
To bless the turf that wraps their clay,  
And Freedom shall awhile repair,  
To dwell a weeping hermit there."

And there was another ode by the same author, which, he said, he was also obliged to repeat, as a part of this same morning exercise, — the ode, I believe, on the death of Colonel Charles Ross, in the action at Fontenoy, one verse of which, with a slight variation, would not be inapplicable to your own Davis :

"By rapid Scheld's descending wave  
His country's vows shall bless the grave,  
Where'er the youth is laid :  
That sacred spot the village hind  
With every sweetest turf shall bind,  
And Peace protect the shade."

Such, Sir, was the education of at least one of our Massachusetts children at that day. And though I do not suppose that all the mothers of 1775 were like Mrs. Adams, yet the great majority of them, we all know, had as much piety and patriot-



ism, if not as much poetry, in their composition, and their children were brought up at once in the nurture and admonition of the Lord and of Liberty.

Indeed, Sir, I have at my side, at this instant, a living illustration of the fact. Here is my venerable friend, Dr. Walton, of Pepperell, who has come over here to celebrate his eighty-first birthday, and who has just told me, that on the morning of the 19th of April, 1775, he was employed at his father's house in Cambridge — being then about five years old — in pouring powder into cartridges for the American soldiers.\*

And as it was in Massachusetts, Sir, so was it throughout all the other colonies. When Joseph Hawley's declaration — "We must fight" — (for it was from old Hampshire that this exclamation first came) — was communicated to Patrick Henry of Virginia, he instantly replied, as you all remember, with a solemn appeal to Heaven, "I am of that man's mind." And when the admirable Laurens, of South Carolina, just after his own release from a cruel confinement in the Tower of London, heard that his gallant and glorious son, after receiving the capitulation of Cornwallis at Yorktown, had fallen in a skirmish with the enemy, his more than Spartan language was, "I thank God I had a son who dared to die for his country."

So truly did Joseph Warren write to Josiah Quincy in 1774, — "I am convinced that the true spirit of Liberty was never so universally diffused through all ranks and orders of people in any country on the face of the earth, as it is now through all North America."

This, Mr. President, is the spirit which we this day commemorate; a spirit, not local, not sectional, but which, by the help of God, made the thirteen Colonies independent of Great Britain, and gave political being to the United States of America.

And now, Sir, let us not merely commemorate this spirit, as exhibited by our fathers. Let us cherish it in our hearts, and display it in our own lives, or, if need be, in our own deaths. Let the monuments which we have erected here or elsewhere, be not only tributes to the dead, but pledges, sacred pledges, on the part of the living. Our fathers have left monuments for them-

\* Here Dr. Walton rose and received the greetings of the whole company.

selves, far more commensurate to their deeds and to their deserts, than any which we can build,—in the institutions which they have founded in the States, and in the Nation at large. Our common schools, our churches, our constitutions, State and National, our beloved Union,—these are their monuments.

Let it be ours to keep them always in repair, always standing erect and unshaken, a tower and a castle for ourselves and our children, a refuge for the oppressed, whether flying from an Austrian or an Australian prison, and a beacon for the friends of Liberty throughout the earth. May History never record—and here I borrow the words of Fisher Ames, and I offer them as the sentiment with which to conclude my remarks,—

May History never record of the Institutions of our Country, “that they were formed with too much wisdom to be valued, and required too much virtue to be maintained.”

## NOTE TO PAGE 360.

THE personal allusion on this page was understood at the time to have reference to Mr. CHARLES SUMNER, who had just addressed the Convention in one of those inflammatory appeals on the subject of Slavery, by which he prepared the way for his final secession from the Whig party.

This gentleman, having failed, on this and other occasions, to provoke me into public controversy with himself, has thought fit to devote some twenty or thirty pages of the second volume of his recently published Orations and Speeches, to a consideration of some passages of my public life. Fifteen of these pages are taken up by a verbose and vituperative letter, dated October 26, 1846, and addressed to me personally, but of which no copy was ever sent to me, and which I only heard of by accident, sometime after its original publication, in a Free Soil or Abolition newspaper.

It has been suggested to me, that some reply to this effusion might possibly be expected in this volume. But I really must be excused from entering into controversy with Mr. Sumner. Sixteen or seventeen years of public service must be left to be their own interpreter, and to furnish their own answer to any amount of reckless perversion or flippant personality. And, indeed, I may well be content to take my share of the abuse of a volume, which consigns President Fillmore to immortal "infamy," and which includes so many of the most distinguished men of both parties within the range of its sweeping fulminations. The very most that I can persuade myself to do, is to append to this concluding Note, as an act of simple justice to myself, my original reply to another letter which Mr. Sumner actually sent to me in August, 1846, when our correspondence terminated.

Meantime, however, if anybody, at home or abroad, should desire to examine into the character or motives of his persevering attacks upon me, they will find ample materials, both in the foregoing speeches of mine, and in the record of his own subsequent political course, as it has been in process of curious development during the past year or two.

Of this course, it is enough to say two things. One, that, having professed, *in* *ad nauseam*, that he was no politician and sought no place, he has grasped at office at the first instant at which it was within his reach, and under circumstances from which some, even, of his best political and personal friends recoiled. The other, that, having, for six or seven years past, arraigned and reproached almost all who have preceded him in Congress from this quarter, for their alleged inaction on the subject of Slavery, and having just before his own election, laid down a formal platform, — pledging himself to demand "the instant repeal of the Fugitive Slave Bill," the Abolition of Slavery

in the District of Columbia and of the domestic Slave Trade, and the overthrow of the Slave Power, "so that the Federal Government may be put openly, actively, and perpetually on the side of Freedom,"—he has, since his election, ignored the entire subject, and has sat in his place in the Senate, for five months and a half, without venturing to open his lips on any question in any way connected with it;—and this, too, although the whole subject of the Compromises has been repeatedly under consideration by the Senate. How long this mysterious and prudent silence is to be observed, remains to be seen. It may, perhaps, have been broken, even before this volume shall have made its appearance. And I doubt not, that, at some time or other, it will be made the subject of a most plausible explanation. It is intimated, already, in some quarters, that he is only waiting to gain influence at Washington, in order to turn it more effectively against Southern Institutions. Personally, I cannot regret that he has laid aside, whether for a shorter or a longer time, the character of an Agitator. He would do well to abandon it altogether. It is quite too late for him, however, to explain away this signal "disloyalty to Freedom," as he has been accustomed to call it;—and, whatever the explanation may be, the fact will remain on the record, in most ridiculous, or, as some will think, in most lamentable contrast, both with his ferocious attacks upon others, and with his fervent professions for himself. *Non hoc pollicitus.*

But I hasten to dismiss a subject, which nothing but the recent republication of his unprovoked and offensive invectives, in the deliberate and permanent form of a stereotyped volume, could have induced me to notice in any way whatever.

The subjoined letter, which has never before been published, is given here precisely as it was originally written, the sentence inclosed in brackets, being that referred to in the Postscript.

Boston, 17th August, 1846.

SIR,—

Your communication of the 10th instant, directed to Washington, reached me here, at a late hour, on the day before yesterday.

Some strange hallucination has come over either you or myself. It is certain that we do not agree as to what belongs to the intercourse of friends, or even of gentlemen.

I have read afresh the newspaper articles of which you have informed me that you are the author, and I am only confirmed in the opinion which I formed of them when they first met my eye. They seem to me to abound in the grossest perversions, and in the coarsest personalities. They are not content with arraigning my acts, but are full of insinuations as to my motives, and imputations on my integrity. They arrogate for their author an exclusive privilege of pronouncing upon matters both of truth and of conscience, and deny to me all right of judgment as to either. They proceed upon the offensive assumption, that under some influence of ambition or moral cowardice, I have knowingly and deliberately committed an unworthy and wicked act. They remonstrate with me, as with a confessed or convicted criminal. And they invoke upon me the reproach and scorn of the community, now and hereafter. [It would be difficult to say, which was the predominating element in these compositions, intolerance or insolence.]

I am willing to believe that you have not weighed the force of your own phrases. Your "*periculosa facilitas*" has betrayed you. Your habitual indulgence in strains of extravagant thought and exaggerated expression, alike when you praise and when you censure, has, perhaps, impaired your discrimination in the employment of language. You must have been deaf, however, to every thing but the voices of admiration at your elbow, if you have not heard expressions of astonishment and indignation on all sides

at the fanatical and frantic spirit which your articles exhibit, — not unmingled with regrets that their whole text and tenor should be so little in harmony with that cause of Peace, of which you are a zealous, and, I doubt not, a sincere advocate.

I write for no purpose of returning railing for railing. I am quite ready to forgive the injury you have done me; and I shall wish you nothing but success and happiness in your future career. But were I to maintain relations of social intercourse (as you propose) with one who has thus grossly assailed my public morality, it would be an admission of the truth of one of the charges which has been arrayed against me in this case. It might fairly be construed into an acknowledgment, that I recognized different rules of action for my private and my political life. I feel compelled, therefore, to decline all further communication or conference, while matters stand as they now do between us.

Sir, I am conscious of having done nothing inconsistent with the cause of Freedom, of Right, of Humanity, of Truth, or even of Peace. I yield to no one in my attachment to one and all of these great interests. I am no stranger, either, to those Christian Churches, from which one of your articles would seem to excommunicate me; nor do I know any thing in my moral or religious character, which should fairly subject me to be schooled even by yourself. If by any vote I have given, I have wounded the conscience of anybody else, I sincerely regret it. I certainly have not wounded my own conscience. I well knew that my vote on the War Bill would expose me to misrepresentation. I felt painfully the perplexity of the case. I freely acknowledge, that it was a doubtful question, upon which, as was well said by Mr. Charles Hudson and Mr. George Ashmun, (two of the fourteen,) in their printed speeches, "men of honesty of purpose might come to different conclusions." I ask no man to vindicate my vote, or to agree with me in opinion. I blame no man for charging me with error of judgment. But knowing for myself, that my vote was given honestly, conscientiously, with a sincere belief that it was the best vote which an arbitrary and overbearing majority would permit us to give, I shall allow no man to cast scandalous imputations on my motives and apply base epithets to my acts in public, and to call me his friend in private. My hand is not at the service of any one, who has denounced it with such ferocity, as being stained with blood.

One or two of the topics in your last private communication, require a few words of notice, before this painful correspondence is brought to a close.

1. I am utterly unconscious of having "scattered widely unambiguous voices of condemnation" in regard to your Fourth of July Oration last year. I certainly differed entirely from some of the views of that address, and considered them to be disorganizing and dangerous. I never attacked you in a Newspaper. I never libelled your character or motives. Nor have I ever gone out of my way to say a word on the subject.

2. Nothing could be more utterly unfounded, — not even the preamble of the War Bill, — than your assertion that my sentiment, on that occasion, "set country above right." Such an assertion proves only, that in your haste to condemn, you have confounded Geography with Morals.

3. Judge Story and myself had an hour of most friendly and cordial conversation within one week of his lamented end. At Washington, I was in frequent consultation with him on the Texas question, as well as on other subjects, up to the very last moment of his leaving there. If he would have arrested me, (as you intimate,) a few days before his death, in "the path which I seemed to have adopted," it was owing either to his own misapprehensions, or to the *misrepresentations* of others. My path has been

one and the same, unchanged and unchangeable, from the moment I entered public life to the present moment.

4. I have the strongest reason to think that Judge Story and myself agreed entirely as to some of the more ultra doctrines of your address, and, unless I have been greatly misinformed, he expressed himself without reserve as to their impracticable and extravagant character.

5. You cite the opinions of many anonymous persons in favor of your views of my vote. I am quite willing that its propriety should be tested *pondere non numero*. And opportunities may still occur, when it may be seen, whether there was not a weight of character in my favor, against which the gross charges of "lie," "falsehood," "immorality," "wickedness," and the rest, will strive in vain to prevail.

And now I must repeat the expression of my sincere regret at being compelled to address you in such terms. I had no purpose of entering into any public controversy with you, or any one else, in relation to my vote; nor have I now. Nor should I have written to you at all, but for your own letters to me. I will still hope that the day may not be distant, when you may realize that you have wronged me, and when our old relations may be resumed without the sacrifice of our own self-respect.

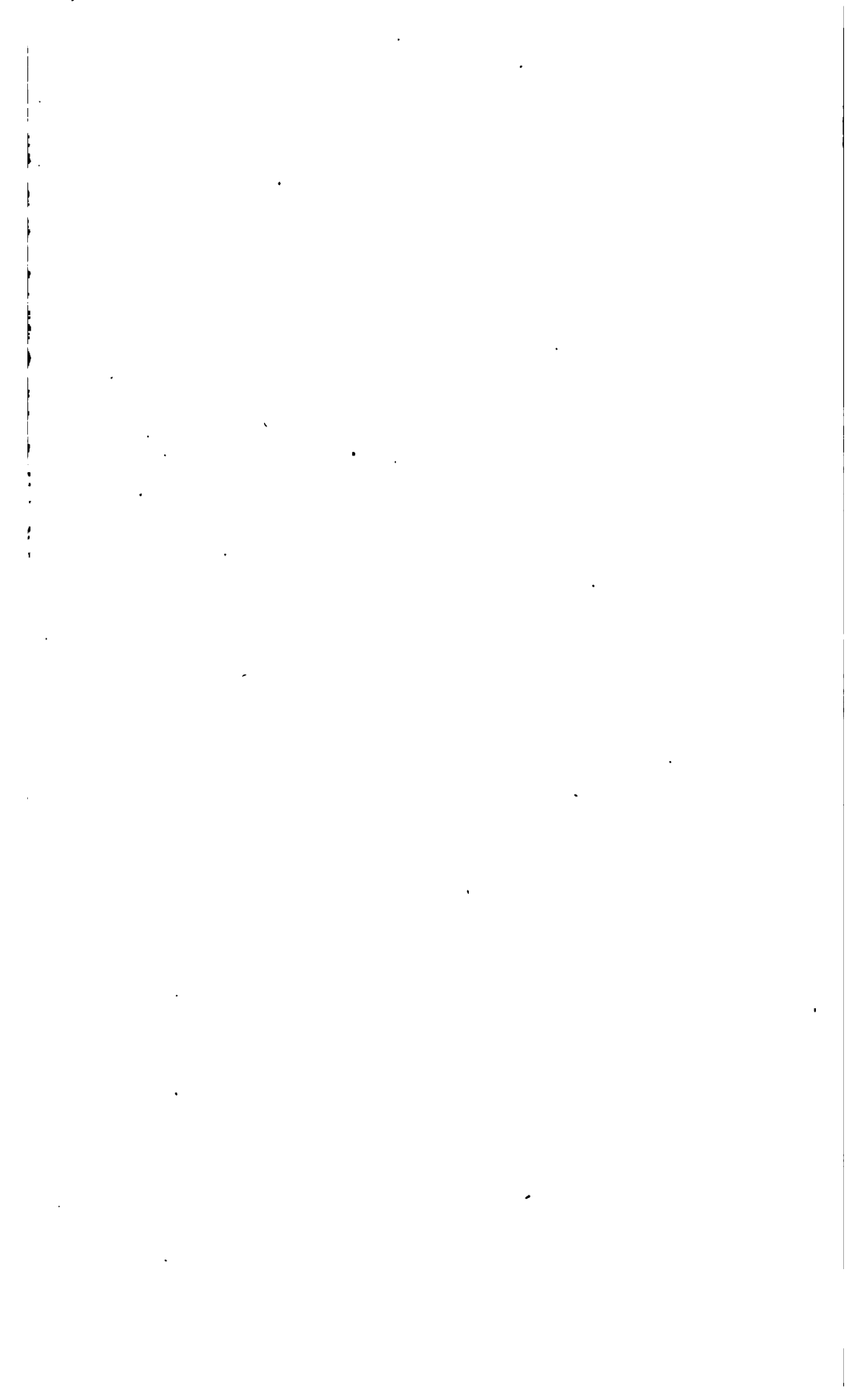
Yours respectfully,

ROBERT C. WINTHROP.

CHARLES SUMNER, ESQ.

P. S. As I am just leaving home for a week's relaxation at Newport, it is impossible for me to rewrite this letter. I might otherwise have omitted a sentence over which I have drawn my pen, as I am as little disposed to give offence as to take it.

THE END.















DOES NOT CIRCULATE



